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UNIVERSITY OF ILLINOIS STUDIES

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SOCIAL SCIENCES

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A History of the General Property Tax in Illinois

BY

ROBERT MURRAY HAIG, Ph. D.
Instructor in Economics, Columbia University
Sometime Garth Fellow in Economics, Columbia University

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PREFACE

This study found its inception in the seminar of Dean David Kinley, of the University of Illinois, during the winter of 1908-1909. The seminar that year devoted its attention to the subject of taxation in the state in anticipation of the movement for the revision of the tax system which culminated in the appointment of the special tax commission of 1910. Considerable material, gathered by the members of the seminar, dealing particularly with the present day situation, has been made available for this undertaking; and acknowledgment is made in this special manner to Dr. A. E. Swanson, Dr. E. J. Brown, Mr. T. E. Latimer and Mr. J. R. Moore for the assistance afforded by their seminar studies. Moreover, material on various phases of the subject gathered by Professor M. B. Hammond, of the Ohio State University, and by Professor Nathan A. Weston, of the University of Illinois, was also very kindly contributed by them and was of no slight aid in the work. For this generous coöperation I desire to render my thanks.

While the library of the University of Illinois was found to be rich in material, considerable use was made of other libraries. The collection of early state documents in the State Historical Library at Springfield, Illinois, was particularly valuable. Material was gathered also in the New York Public Library, the Indiana State Library, the Library of Congress, the Illinois State Library and the Columbia University Library. Thanks are due to the officers of these institutions for many courtesies extended. I am particularly indebted to the custodian of the public documents in the office of the secretary of state at Springfield, for access to the manuscripts of the unpublished territorial laws, and to the auditor of public accounts, for access to the original account books of the state for the

early years of its history. For criticism of the manuscript and for suggestions as to the use of material, I desire to thank Professor E. R. A. Seligman, Dean David Kinley, Professor C. W. Alvord, Professor J. A. Fairlie, Professor E. L. Bogart, Professor G. W. Dowrie and Professor H. B. Gardner. Acknowledgment is made of financial assistance rendered by the Carnegie Institution of Washington. Finally I wish to record my deep gratitude to my wife, whose aid has been invaluable.

ROBERT M. HAIG.

NEW YORK CITY,
MARCH 2, 1914.

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A. PRE-TERRITORIAL ORIGINS

CHAPTER I.

Origins of the General Property Tax in Illinois.

The organization of Illinois as a territory in 1809 involved no radical change in the character of the existing institutions. No new code of law was substituted for the one in force in the territory when the change in the form of government was made. On the contrary, the old code was carried over in its entirety and used as the basis for the new, subject to such modifications and changes as were deemed appropriate by the territorial legislature.[1] The system of raising public revenues by levying a tax upon property according to its value was one of the inheritances received by the new government from the old. Consequently one must look to the pre-territorial legislation for the primary sources of the general property tax system in the state.

The pre-territorial history of Illinois is the history of a small group of French settlements, established about 1700, which led an unprogressive life for nearly a hundred years before they were submerged by the flood of settlers from the seaboard states after the close of the Revolution. The political control over this group of settlements was subject to frequent change during the century, passing successively from France to England, from England to the State of Virginia, and from Virginia to the United States.

The French Period, 1699-1763.

The period of French domination began with the establishment of the mission stations of Kaskaskia and Cahokia as outposts of the great French empire in the

[1] *Laws of the Territory of Illinois, 1809-1811,* p. 1; *Laws of Illinois Territory,* 1812, p. 5.

Mississippi valley, which had been the dream of Colbert, the minister of Louis XIV.[2] It closed at the end of the Seven Years' War, in 1763, when France was forced to cede her claims to the region to England.[3] In so far as any direct bearing on the problem in hand is concerned, the period during which the settlements were under the control of the French is unimportant. The population remained small, probably not exceeding two thousand persons at any time,[4] and such governmental functions as were performed seem to have been exercised largely through military and ecclesiastical authorities.[5] In the annals of the villages, as kept by the parish priests, there is no evidence of the levy of any tax or of the existence of any formal financial system.[6]

[2]C. W. Alvord, "Illinois; the Origins", *Military Tract Papers* (Illinois State Reformatory Print), no. 3, p. 7. The French settlement, of which these two villages were the beginning, was situated in the bottom lands of the Mississippi River, in the south-western part of Illinois. Cahokia was founded in 1699 and Kaskaskia a year later.

[3]The actual transfer was made in 1765. *Illinois Historical Collections,* II, xxv.

[4]Alvord, *Origins,* p. 9.

[5]J. B. Dillon, *History of the Early Settlement of the Northwestern Territory* (Indianapolis, 1854), p. 60; Joseph Wallace, *History of Illinois and Louisiana under the French Rule* (Cincinnati, 1893), p. 309 *et seq.;* E. G. Mason, *Kaskaskia and its Parish Records* (Fergus Historical Series, no. 12, Chicago, 1881).

[6]*Ill. Hist. Coll.,* V; Mason, *op. cit.*

It is known that some income was obtained from fines. Thus, in one place the record shows that a fine of twenty-five *livres,* payable in deer skins, was imposed upon those selling liquor to savages or slaves. It was specified that the proceeds from the fines should go for the support of the poor. *Ill. Hist. Coll.,* V, 117. Licenses for trade were issued but whether fees were charged for them is not known. *Ibid,* II, lxviii.

The effect of the early French settlement upon the financial system of the state was indeed so slight that one might remain entirely ignorant of the fact that there had been any early settlement, were it not for the legacy of some land title disputes and for the common fields of some of the villages which were several times the subject of legislative attention in later years. Art. 8, *Const. of 1818; Private Laws,* 1826-7, p. 22; *Laws,* 1909, p. 425.

The English Period, 1763-1778.

The change from French to English domination seems to have been accomplished without disturbing, to any great extent, the local customs of the settlements.[7] The English supplied a military government, the expenses of which were provided for without appeal to the French settlers.[8]

The County of Illinois, 1778-1784.

A similar arrangement was continued after the occupation of the region in 1778 by George Rogers Clark in the name of the State of Virginia. An act of the Virginia legislature in October, 1778, provided that the expenses of the military government and of those officials to whom the inhabitants were not accustomed should be paid out of the state treasury, but that the expenses of the civil government to which the population was accustomed should be paid in the same manner as formerly.[9] During this period an independent local government was maintained in a very efficient form in Cahokia and in a less efficient form in Kaskaskia[10]; but the sphere of governmental activity was small and the cost formed no problem.[11] The record book

[7]Dillon, *op. cit.*

[8]*Ill. Hist. Coll.*, II, xxv; Captain Phillip Pittman, *The Present State of the European Settlements on the Mississippi, etc.* (London, 1770), pp. 43, 55.

In 1768, however, the English did establish, at Fort Chartres, one of the French villages founded about 1720, a court of law with seven judges. This was said to have been the first court of common law jurisdiction west of the Allegheny Mountains. E. G. Mason, *Old Fort Chartres* (Fergus Historical Series, no. 12, Chicago, 1881), pp. 41, 42. This court proved to be a failure. Alexander Davidson and Bernard Stuve, *History of Illinois* (Springfield, 1874), p. 165.

[9]*Ill. Hist. Coll.*, II, lii *et seq.*; C. E. Boyd, "The County of Illinois," *American Historical Review*, IV, 624.

Another act specified that the religion and customs of the inhabitants were to be respected. Mason, *op. cit.*, p. 49 *et seq.*

[10]*Ill. Hist. Coll.*, II, lxiii *et seq.*, cxlvii *et seq.*; Alvord, *Origins*, p. 11 *et seq.*

[11]*Ill. Hist. Coll.*, II, Introduction.

of Colonel John Todd, the first county lieutenant, shows no evidences of taxes collected.

It is true that the inhabitants were sometimes levied upon for supplies for military purposes. But these levies were not really taxes, for, although they were compulsory in character, the contributors were to be reimbursed.[12] In form, however, they were very similar to taxes. The record reads that "the justices of the court of Kaskaskia assessed the inhabitants of the village according to their wealth, and that by August 31, (1779) there had been delivered into the store-house 54,600 pounds of flour..."[13] In Cahokia, also, each person was compelled to furnish supplies according to his means.[14] For a large proportion of the people, the levies were practically taxes; the supplies were not paid for until years later, and by that time the orders had passed out of the hands of the original owners for the most part, many of them having been sold to speculators for a mere pittance.

The Northwest Territory, 1784-1800.

When Virginia resigned her claims to the region in favor of the central government, in 1784, a different kind of history began in the Illinois country. For a little time, it is true, the French were left largely to their own devices; but when attention did begin to be paid to them, local institutions were no longer respected. A well defined attempt was made to change radically their system of local government in order to make it identical with that of the eastern section of the Northwest Territory, of which Illinois now became a part. Thus the history of Illinois after 1784 cannot be interpreted in the same manner as the history of the preceding years. It is no longer the story of a succession of careless, military governments, maintained from some far-away treasury by an authority which cared little whether the inhabitants made use of a particular form of local government; it becomes the story of a civil

[12] *Ibid.*, p. lxxvi.
[13] *Ibid.*, p. lxxvii.
[14] *Ibid.*, p. lxxxiii.

government seeking to organize, in thorough manner and according to a uniform plan, a very large district. To this government there arises the problem of so changing and molding the institutions in the French settlements as to make them conform to the large scheme for the government of the entire north-western region.

It is not necessary to speak in detail of the movement of population from the eastern states to the region northwest of the Ohio River, which began in real earnest soon after the Revolution and continued with ever increasing rapidity, until the whole territory was thickly settled; or of how the region, originally organized under one jurisdiction, was divided time and again into independent, self-sustaining parts until the present arrangement of state boundaries was evolved. It is important, however, to recall this much. When the Northwest Territory was first divided, Ohio was formed. The remainder was called the Territory of Indiana. As soon as the region embraced within the wide boundaries of this territory had developed strength enough to undergo the operation, further divisions were made whereby the territories of Michigan and Illinois were formed. Such divisions and adjustments continued for many years; the boundaries of Illinois, for example, were not definitely fixed until 1840. So between 1784 and 1809 the settlements in the Illinois country were organized successively as a part of the Northwest Territory, of the Indiana Territory, and, finally, as the Territory of Illinois.

It was almost inevitable that a movement such as this should diminish to the point of extinction the influence of the French settlements upon the institutions and customs of the country. The nature of the process of organization made any other result almost an impossibility. Through the early period of Northwest Territorial government, these far western settlements were ignored. Indeed they had no effective representation in the law-making bodies of the territorial governments until 1805.[15] The first attempts

[15]Shadrach Bond was the representative of Knox County in the legislative assembly of the Northwest Territory in 1798. J. B. Dillon, *History of Indiana* (Indianapolis, 1859), pp. 391, 392.

to organize them as a part of the Northwest Territory met with poor success. They were, therefore, of necessity left to shift for themselves until the element composed of settlers from the United States became strong enough in the neighborhood to organize a government without regard to the desires and wishes of the French settlers. The French always had an overwhelming majority against them. At first, they were pitted against the whole northwest, then against the great Territory of Indiana, and by the time the Territory of Illinois was formed, they made up a relatively small element in the population of even that district.[16] As a matter of course, the various territories, as formed, perpetuated the laws and institutions familiar to them and the whole body of the law of this section of the United States presents a homogeniety which would be truly remarkable were it not for the explanation that it swept on in this fashion from the east.

Technically the Illinois settlements passed out of the hands of the State of Virginia in 1784.[17] But the control of the Northwest Territory was not made effective before 1790. In that year, Governor St. Clair first visited the section, organized it into the County of St. Clair, and attempted to establish a civil government.[18] The changes which he attempted to institute were not popular, however, and very little was accomplished. In June, 1793, a correspondent of the Governor wrote: "There has not been a review these eighteen months past, so that it would appear that we have no organized government whatever."[19]

[16]In 1790 there were but 131 American settlers in the Illinois country. During the following decade, however, this figure increased to 1500, sufficient to outnumber the French element, which at this time was about a thousand strong. After this the immigrants increased rapidly in number and the French were soon almost completely submerged. Alvord, *Origins*, pp. 11, 14, 15.

[17]*Ill. Hist. Coll.*, II, cxix.

[18]Boyd, *op. cit.*, p. 635.

[19]*The Life and Public Services of Arthur St. Clair, with his Correspondence and other Papers.* Edited by W. H. Smith (Cincinnati, 1882), II, p. 317.

The first legislation of the Northwest Territory which concerned itself with matters of taxation was passed in 1792. It dealt with the problems of raising a revenue for the local governments, the counties; legislation providing for a territorial tax was not passed until somewhat later. This law was entitled an act "directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several counties in the territory" and it prescribed a rudimentary form of the general property tax as the means for raising the revenue required.[20] It provided that the county court of quarter sessions in each county should, annually, make up an estimate of its expenses for the coming year and send it to the governor and judges of the territory. After considering the estimate and determining what items should stand, they were to certify the resulting amounts back to the courts for levy and collection. This was to be accomplished in the following manner. Every county was to be divided into small districts for which commissioners were to be appointed by the court.[21] These commissioners, meeting together, were to decide the exact proportion of the total sum needed which should be raised in their respective districts. The apportionment was to be made on the basis of the population and the wealth of the various districts, which were assumed to be the best evidences of the ability of the different communities to bear the burden of supporting the government. The commissioners were specifically empowered to take a list of all the male inhabitants over eighteen years of age, "stocks of cattle, yearly value of improved lands, and every other species of property which ought to affect the apportionment."[22] The

[20]August 1, 1792. *Territorial Laws,* ch. 26.

[21]For each district having less than 60 inhabitants, there was to be one commissioner; districts having more than 60 and less than 100 inhabitants were to have two commissioners; and those having over 100 inhabitants were to have three commissioners.

[22]In 1792 there was also passed a law requiring merchants, traders and tavern keepers to pay a small license fee. *T. L.,* ch. 24. Later laws imposed license fees on billiard tables and ferries. Jones and John-

work of dividing the sum to be raised within a particular district among its residents was to be done by a board of assessors, consisting of three men in each district who were also appointed officers. They were to rate the individuals "in just proportion to their wealth in the county and their ability to pay either in money or in specific articles, agreeable to the order of assessment." In case of dissatisfaction with the assessment, any individual might appeal to the courts. The assessment lists, when completed, were to be returned to the county courts who were to deliver them for collection to the sheriff, the constable, or to some special collector appointed by the court. The collection of the taxes was to be enforced by the sale of the property assessed or by the imprisonment of the owners.

Although it is not definitely known whether any taxes were collected in the Illinois settlements under this law, and although it is even probable that none were collected there, it is worthy of note that the first tax law which applied even theoretically to this section provided a form of the general property tax.

In 1795 the law of 1792 was replaced by one taken from the statutes of Pennsylvania.[23] The property subject to assessment remained practically the same as under the old law but the idea of income as the measure of tax liability was made slightly more prominent than formerly. Taxes were to be apportioned among the property owners according to the "yearly value or profit" of their holdings.[24] All unimproved and unsettled lands were exempted from taxation. The methods of administration were changed quite radically. Thus estimates of the annual expenses, instead of being made up by the county court directly and being approved by the territorial legislature, were to be prepared by a county board composed partly of elective

son, *Laws of Indiana Territory*, ch. 79, pp. 475-77, ch. 49, pp. 347-66. The license on traders applied at first only to those who dealt in liquors or goods not produced in the United States. Later it was made to apply only to those selling goods not produced in the territory.

[23] *T. L.*, ch. 53.

[24] This seems to be a variety of the so-called "produce tax."

and partly of appointive officers.[25] The board was, first, to audit the county accounts, allow all just claims, and determine the sum to be raised. Then, taking the lists of property, which were to be furnished it by the township constables, it was to apportion the sum to be raised among the property owners. The constables' lists were to give under the name of every free person a description of his servants, live stock, lands and tenements; they were to show how much of the land was settled upon and cultivated; they were to give an enumeration of all water-mills, boats of the "burthen of twenty barrels and upward and every ferry and other species of property providing a yearly income." The limit on the tax rate for the county levies was placed at seventy-five cents per two hundred dollars valuation. A small head tax was provided for single men over twenty-one years of age, whose taxable property did not exceed one hundred dollars, the maximum for this tax being placed at one dollar.[26] The taxes were to be collected by appointed officials, as had been the case in the old law; but the commissioners were to make the appointments instead of the court, as the old law had provided. Appeal might be made to the commissioners in case of dissatisfaction with the assessments.

In 1798 the governor and judges copied a law from the code of Kentucky which made a distinct change of policy in taxation.[27] This law added to the list of property subject to taxation unimproved and wild lands which until this time had not been taxed.[28] Thus a departure was made at this point from the general idea which had underlain legislation until this time, namely, that the annual income was

[25]The county court of quarter sessions was to appoint three commissioners for each county and each town was to elect one assessor; these officers made up the board.

[26]The legislature at this time also passed a law permitting the overseers of the poor to levy a rate for the purpose of providing for the indigent poor. In laying their rate they were to have "due regard" for the county assessment. *T. L.*, ch. 54.

[27]*St. Clair Papers*, II, 438.

[28]*T. L.*, ch. 82.

a proper test of ability to pay taxes. These unimproved and wild lands were to be divided into three classes according to quality. The rates were to be thirty cents per one hundred acres on land of the first grade; twenty cents on lands of the second grade; and ten cents on third grade land. The methods of assessment and collection were not changed. This act refers specifically in one clause to the Illinois counties of Knox, St. Clair, and Randolph so that it is certain that the legislature intended that law should be enforced in the Illinois country.[29]

Prior to this time (1799) the legislation had dealt with taxes which were to be levied only for local purposes and no provision had been made for a territorial revenue.[30] But now the legislature evolved a scheme of taxation which provided for both local and territorial expenses and which was destined to be of permanent significance, for it remained in force practically unchanged in its essential features for twenty-five years and through three changes in the form of government. This legislation, which was passed by the First General Assembly of the Northwest Territory in 1799, dedicated to the territorial government, to be used for general territorial expenses, all taxes received from the levy made upon lands, and to the local governments all other taxable property to be used as the basis for the country levies.[31] The most interesting point in this law is its utilization of a method of segregating the sources of the taxes. But the segregation was of a different type than that urged by present-day reformers, the land being taxed by the central authority and the personalty by the local, instead of vice versa.

There were no elected assessors under this law, the administration being placed wholly in the hands of com-

[29]*Ibid.*, p. 208. Knox County, although in fact an Indiana County, included at this time a large part of what is now southeastern Illinois.

[30]This ignores the slight income which may have accrued from licenses. In 1795 Governor St. Clair writes that he knows of no territorial fund for the payment of territorial expenses, such as postage, for example. *St. Clair Papers,* II, 349.

[31]*T. L.*, chaps. 90, 111.

missioners appointed by the court of quarter sessions. Instead of the property being listed by a constable, the new plan provided that the property owners should, of their own accord, deliver to the commissioners the lists of their taxable property.

Land, the basis for the state tax, was to be classified, as in the act of the previous year, into three grades according to the quality. Lands in the first grade were to be taxed eighty-five cents per one hundred acres; second rate lands, sixty cents; and third rate, twenty-five cents. It should be noted, however, that these rates are not comparable with the rates of 1798 for now not only were unimproved lands to be classified, as had been the case in the act of 1798, but the cultivated also. This explains the increase in the rates over the former scale.[32]

The property made taxable for county purposes was as follows: all houses in towns; "mansion-houses" in the country worth more than two hundred dollars; out-lots; water- and wind-mills; ferries; horses, mules, and asses, over three years old; neat cattle; and bond servants over twenty-one years old. Able-bodied single men whose property did not amount to more than two hundred dollars were subject to a small head tax. The rates varied on the property enumerated above. There was to be charged "on every horse, mare, mule or ass,....a sum not exceeding fifty cents; on all neat cattle, twelve and one-half cents each; on every stud horse, not exceeding the rate for which he stands at the season; every bond servant...., a sum not exceeding one dollar; and every able-bodied single man of twenty-one years and upwards, who shall not have taxable property to the extent of two hundred dollars, a sum not exceeding two dollars nor less than fifty cents." The other property was to be valued by appraisers appointed by the county court. The rate of taxation on such property was not to exceed fifty cents on every one hundred dollars of appraised valuation. The power to estimate the revenue needed and to levy the proper rate was given to the county courts.

[32]Lands in Illinois were not to be rated higher than second class.

The Territory of Indiana, 1800-1809.

The following year (1800) the Territory of Indiana was set off from the Northwest Territory, Illinois now being included in Indiana. The tax laws of the Northwest Territory were carried over by the new government with relatively slight modifications.[33] The division of the property between the territorial and county governments for taxation purposes remained unchanged, the revenue from the land taxes going to the territorial government and that from other taxes to the local governments.[34] Before 1809 however, when Illinois became a separate territory, a number of changes had been made in the methods of assessment and collection and in the rates of taxation which are worthy of note.

The manner of securing the lists of property subject to taxation for county purposes was several times revised. One of the first acts of the new government was to change the old law of the Northwest Territory which directed that these lists be turned over to the commissioners by the owners of taxable property of their own accord; constables were reintroduced by a law passed in 1801, as the means for securing the lists.[35] In 1803 the sheriffs were directed to receive the lists, going to each township for that purpose on a previously advertised date and administering an oath to each person as to the correctness of the statement submitted.[36] In 1806 it was further required that the sheriff should apply personally to every individual subject to taxation for a list of his taxable property instead of merely advertising his presence in the township for the purpose of receiving the lists.[37]

[33]O. W. Howe, "The Laws and Courts of the Northwest and Indiana Territories." *Indiana Historical Society Publications* (Indianapolis, 1895), II, 14, 15.

[34]The case of the special land tax for county buildings should be noted here as a possible exception to this statement. *Cf. infra*, p. 22.

[35]*Laws of the Territory of Indiana*, Governor and Judges, 1 Sess., p. 63, Nov. 5, 1801.

[36]*L. T. Ind.*, Gov. and Judges, 4 Sess., p. 63. Nov. 5, 1803.

[37]*Laws of Indiana*, 1 Terr. Ass., 2 Sess., p. 17. Nov. 24, 1806.

A penalty for false estimate or failure to return the lists was now imposed (1803); this was to be a fine of fifteen dollars and a triple tax.[38] The lists were to be delivered by the sheriff to the court of common pleas; this court was to estimate the expenses and levy the taxes.

It will be remembered that in the former law some of the property returned on the lists was subject to specific rates. Some of these rates were changed during this period. Thus in 1803 the maximum rate per head on neat cattle was made ten cents in place of twelve and one-half cents.[39] In 1808 this particular tax was repealed.[40] The property qualification for the tax on single men in 1803 was made four hundred dollars instead of two hundred dollars, and the maximum rate two dollars and fifty cents in place of two dollars[41]; in 1806 the property qualification was reduced to two hundred dollars and the maximum rate to one dollar,[42] and in 1808 the tax was entirely abandoned.[43] By a law passed in 1803, two free-holders in each township, appointed by the county court were to appraise such property as lots, houses, wind-mills, etc., and the maximum rate on this class of property was reduced from fifty to thirty cents for each one hundred dollars of valuation.[44] The age at which slaves and bond servants were subject to taxation was changed to the period between sixteen and forty years; formerly all over twenty-one years of age were taxable.

A very important law from the administrative point of view was the one passed in 1805, prescribing the manner in which the territorial tax should be levied.[45] It provided a method quite different from that outlined in the law of 1799 and took a long step toward modern practice in a number of particulars. Under this new plan, the land

[38] *L. T. Ind.*, Gov. and Judges, 4 Sess., p. 63, Nov. 5, 1803.
[39] *Ibid.*, p. 68.
[40] *L. Ind.*, 2 Terr. Ass., 2 Sess., p. 31, Oct. 26, 1808.
[41] *L. T. Ind.*, Gov. and Judges, 4 Sess., p. 63, Nov. 5, 1803.
[42] *L. Ind.*, 1 Terr. Ass., 2 Sess., p. 11, Nov. 24, 1806.
[43] *L. Ind.*, 2 Terr. Ass., 2 Sess., p. 31, Oct. 26, 1808.
[44] *L. T. Ind.*, Gov. and Judges, 4 Sess., p. 63, Nov. 5, 1803.
[45] *L. Ind.*, 1 Terr. Leg., 1 Sess., p. 30 *et seq.*, Aug. 26, 1805.

was not to be grouped into a small number of classes according to quality, as had been the case under the old system, but was to be assessed according to its exact value. There was to be a regular annual assessment made by a county assessor appointed by the court of common pleas. Each land holder was to deliver to the assessor, under penalty, a list of the lands owned by him. The assessor was also to be furnished, by the territorial government, with lists of lands in each county, made up from records of the United States land offices. Using these lists as a basis, the assessor was to determine the value of the land per one hundred acres, "according to the quality of the soil and the relative situation", ignoring improvements. The rate of taxation was to be fixed by the auditor who was directed to strike a "rate sufficient to produce the sum required" for territorial expenses. The sheriffs of the various counties were made the collectors of the tax. Two years later, in 1807, the assessment of land was made quadrennial instead of annual.[46] In the years when no general assessment was to be made, the territorial auditor was to add to the county lists those lands which had been purchased from the United States during the previous year, valuing such purchases at two dollars per acre. At the same time the power to strike the tax rate was taken from the auditor, the rate being now fixed by law at twenty cents on every one hundred dollars valuation.

An additional use for the territorial tax machinery was authorized in 1808 when the legislature made provision for a special land tax to be levied exactly as the territorial land tax was levied, for the purpose of providing funds for erecting county buildings.[47] The maximum rate which might be levied for this purpose was ten cents on the one hundred dollars valuation.

Efforts to administer the territorial land tax in the Illinois counties met with rebuffs at the very outset. Probably the first territorial tax levied in the Territory of

[46]Jones and Johnson, *op. cit.*, ch. 79, pp. 475-477.
[47]*L. Ind.*, 2 Terr. Ass., 2 Sess., p. 31, Oct. 26, 1808.

Indiana was in 1805 when the law was passed placing a tax on land according to its value, for the purpose of providing for the expenses of the territorial government. In 1806 it appears that no tax was collected in the Illinois counties of St. Clair and Randolph; this failure was due to the fact that the courts of common pleas of these counties had failed to appoint the assessors and collectors.[48] In 1807 the assessor in St. Clair County refused outright to make the proper assessment for territorial taxes; in the same year the assessor in Knox County had, for some reason, failed to do so, and an attempt to assess the tax in Randolph County was accompanied by various irregularities.[49] Again, the next year, 1808, trouble was caused in two of the counties by the failure of the assessors to make out and return the assessment lists.[50] The case of Randolph County in 1807 is the first certain evidence of a tax actually being levied and collected in Illinois.

Summary.

By 1809 the legislation of Indiana Territory had reached a stage of development in regard to assessment methods which was not attained by the State of Illinois until thirty years later. For, when Illinois separated from Indiana, there was a retrogression in this particular and the scheme of classifying land into rough groups which was again adopted, persisted in the state legislation until 1839. By 1809, however, a system approximating the general property tax was in force in the Illinois country and was the chief source from which both central and local governments derived their revenues. Since the expenses of the government were very slight during these years, and since there were other sources of revenue such as fees and licenses, the taxes levied were undoubtedly insignificant. The system, too, was crude and rudimentary in character.

[48] *L. Ind.*, 1 Terr. Leg., 2 Sess., p. 3.

[49] Jones and Johnson, *op. cit.*, ch. 75, pp. 465-468. The irregular collection of taxes was legalized by this act but the sales of lands for taxes were nullified.

[50] *L. Ind.*, 2 Terr. Leg., 2 Sess., p. 39, Oct. 26, 1808.

Very large exemptions were made and the idea of the income from the property taxed rather than its capital value was often emphasized. From these same territorial beginnings, it would have been possible to develop quite naturally a property tax somewhat similar to the English local rates, where the income from the property is the test of its value and the basis for the apportionment. But the principles established by this territorial legislation were adopted and so extended by the government of the new Territory of Illinois, as to result in the particular form of the general property tax now found in the state.

The influence of the French settlements upon the system of taxation adopted was insignificant. They neither developed a system of their own during the years of their isolation before they became subject to the control of the Northwest Territory, nor did they take an active part in the formation of the system which is found in existence in 1809. Doubtless they could not have made their efforts effective, had they tried, outnumbered as they were in the political division in which they were situated.

A form of the general property tax, then, was the system adopted by the Northwest Territory when the interests of the far western settlements were too slight to be of consequence and when the actual application to them was not seriously attempted. This system was continued by the Territory of Indiana, whose attempts to administer it in Illinois met with difficulties and, in certain instances, with the positive refusal of the county authorities in the Illinois region to coöperate. It was adopted by the territorial government of Illinois because the American element in the population had, by this time, become strong enough to disregard the early French settlers in the Illinois country.

B. THE FORMATIVE PERIOD, 1809-1838

CHAPTER II.

Economic Characteristics and the Financial Problem.

It is important in taking up the study of the general property tax in Illinois during the early period of its history, 1809-1838, to inquire about the demands made upon the government at this time and about the possibilities of the system of taxation in force as a source of revenue to meet these demands. From one point of view, at this early stage, the two things were really one; for, as will appear, the demands made upon the government at this time were limited almost entirely by the possibility of obtaining revenue to meet them—that is, the fiscal problem was, primarily, what could be afforded rather than what should be done.

The years under discussion make up the period of the state's childhood. Even in 1840 Illinois was still a frontier community, containing only five hundred thousand inhabitants. During these years everything which must be done to make a wilderness a place of habitation for man remained yet to be done for Illinois. There were no public buildings and few school houses; the state owned no public works; there were few roads or other artificial means of communication; courts had to be established and jails erected. In short, Illinois was without a "capital account"; it had no "plant". The state lived, so to speak, in an unfurnished house. It was necessary not only to pay running expenses but to buy the furniture. In addition various unusual calls were made upon the young government. For example, the dearth of a circulating medium very early served as the basis for an appeal to the government to loan its credit as security for the issue of bank notes. Thus the financial difficulty was not only that of operating a government but also of providing the machinery and plant with which to work.

The Sphere of State Activity.

On the other hand the problem of deciding upon the sphere of the activity of the government was somewhat simplified by the delegation to private companies and to individuals of many of the functions which are usually considered governmental. Thus, many of the early turnpikes were built as private enterprises, the promoters seeking through tolls to obtain their return from those using the roads.[1] Bridges were often constructed on the same plan.[2] Ferries were operated by individuals under legislative acts which usually sought to make the enterprises attractive by granting monopolies for a given distance up and down the streams. Schools were almost entirely maintained through private initiative during this period. The dependent poor, instead of being cared for in county institutions, were usually farmed out to persons who could use their labor. The penitentiary even was, for a time, turned over to private individuals for management in order to save money.[3] Among the many devices resorted to for lessening demands which would normally be met by taxation was the lottery. A number of such schemes were projected to meet the expenses of some of the internal improvement projects.[4] There was a custom of locating the county seat at that town within a county which would offer the largest donation of land or of money to be used toward the expenses of erecting county buildings.[5] The location of the state capital itself was determined primarily on this principle.[6] Part of the plot of

[1]The governmental activity in these cases usually extended far enough to fix the maximum rates of toll which might be charged.

[2]Sometimes individuals would advance the money for a bridge with the understanding that the county would reimburse them after a specified time.

[3]*Auditor's Report,* 1839, p. 12.

[4]*Laws* 1819, pp. 257, 310; *L.* 1838-9, p. 56.

[5]Any number of examples of this practice might be given. Some sixty-seven cases of this sort were noted during these years. The acts usually prescribed a minimum grant of twenty acres.

[6]The town of Springfield was chosen as the capital because of the donations pledged to the state treasury. The act passed February 25,

land on which the first state prison was built was sold to raise money to build the walls and workshops. By such methods the government was able to some extent to share in the increment of value which accrued to the land at the place where public buildings were erected and public business transacted. The utilization of the fee system for compensating many of the public officials made possible a smaller tax levy than would otherwise have been necessary. When salaries were paid, they were extremely small.[7]

Taxable Capacity of the People.

To a certain extent it is true that, as the demand for the increase of governmental functions grew, the means for meeting this demand also increased. In 1810, when the territory of Illinois had a population of only twelve thousand people, not so many school-houses, courts and roads were needed as thirty years later when the population was nearly half a million. The increase in population was indeed remarkable in itself, and it may be thought that it should have served as an entirely adequate basis for increased taxation. During the first decade, from 1810 to 1820, the population quadrupled; during each of the two following decades it trebled.[8] But it must be remembered, that it was entirely rural even at the end of the period under discussion.[9] The settlers were largely land-hungry immigrants who had pushed west because of economic press-

1837, locating the seat of the government, fixed the amount of the minimum donation at fifty thousand dollars and two acres of land. *L.* 1836-7, p. 321. In Vandalia, the former capital, public buildings were erected mainly from the proceeds from the sale of four sections of land which had been given to the state by the federal government for that purpose, although some donations were received from citizens. John Moses, *Illinois, Historical and Statistical* (Chicago, 1895), I, 327; J. N. Reynolds, *My Own Times* (Chicago, 1879), p. 137.

[7] *L.* 1815-16, pp. 73-76; *L.* 1816-17, pp. 52-54; *L.* 1817-18, pp. 98-100.

[8] *Twelfth Census; Population,* part 1, p. xxiii.

[9] In 1832, Chicago was an unincorporated village with about 250 inhabitants and in 1837 had a population of only 8000. See *Illinois in 1837, A Sketch* (Philadelphia, 1837), p. 119.

ure behind them and with the thought of economic betterment foremost in their minds. The little money they had was usually exchanged at once for land which was capable of yielding only a small immediate return because of the difficulty of securing a market for their products. In 1825 the correspondent of *Niles Register* wrote: "At present, wheat is hardly worth twenty-five cents per bushel, and corn and oats will not fetch more than eight or ten."[10] This was, in large part due to the lack of transportation facilities. As someone has put it, the West, during this period, was "a good place to make a poor living". In 1824 General Coles received a request for information concerning the system of poor relief in Illinois.[11] He replied that he was unable to furnish it, because of "the fact that Illinois has no poor; at least so few that I have not been able to learn anything about them." But if there was little danger of starvation, there was also little probability of securing any fortune except the potential one depending upon the rise in land values. Because of this absence of immediate returns the actual taxable capacity of the people was very small indeed.[12]

To this must be added a pronounced indisposition on the part of the people to submit to taxation. It was a part of the spirit of the frontier. The settlers seemed to think there was something ignoble about paying taxes. An example of this spirit is seen in the speedy repeal of two laws passed at the legislative session of 1825, levying slight

[10] *Niles Register,* XXIX, 165, Nov. 12, 1825.

[11] *Ill. Hist. Coll.,* IV, 51.

[12] The situation was very well summarized by Governor Edwards in his inaugural address in 1826, when he said:—

"In a new state, progressively settling as ours is; without manufactures; furnishing but few articles for exportation; consuming a considerable proportion of those produced by the labor of others; and obliged to employ the most of its active capital in the building of houses, opening of farms, and other improvements which yield no immediate profit; a scanty circulation of money; and consequent difficulty of paying high taxes; are results so probable in themselves, and so fully verified by our own experience that they cannot be overlooked. . ." *S. J.,* 5 G. A., 1 Sess., p. 47, 1826.

special taxes for schools and roads. Governor Ford, in commenting on this repeal, says:-[13]

"The very idea of a tax, though to be paid in labor as before, was so hateful, that even the poorest men preferred to work five days in the year on the roads, (as under the old poll arrangement) rather than to pay a tax of twenty-five cents, or even no tax at all." The members of the legislature well knew the temper of the people on this question and steadfastly refused to pass laws which involved the levy of additional taxes. Indeed they sometimes went to great extremes to avoid levying taxes, as when they sold school lands and borrowed the proceeds for the current expenses of government.[14] If they had imposed taxes to meet their legitimate expenses, the lands could have been held for a much more favorable market or could have been retained indefinitely under a lease system. As it was, the heritage of the state in school land was frittered away, in the opinion of many contemporaries, by the reluctance of the legislators to risk their popularity with a tax hating people, by a proper levy of taxes.

The Agreement With the United States Government.

Illinois made an agreement with the United States government when the state was admitted into the Union which had important effects upon the taxation problem in the following years. The terms of the agreement were briefly these: the federal government was to give the state one section of land in every township for the use of schools; it was also to give all the salt springs within the state with certain reserves of land about them; it agreed, further, to give five per cent of the proceeds from the sale of lands lying within the state, two-fifths of which amount was to be spent under the direction of the federal government in making roads leading to the state, and the residue

[13]Thomas Ford, *History of Illinois from its Commencement as a State in 1818 to 1847* (Chicago, 1854), pp. 58-60; *L.* 1824-5, p. 121; *R. L.* 1826-7, p. 364.

[14]Gerhard, *Illinois As It Is etc.* (Chicago, 1857), p. 65; Ford, *op. cit.*, p. 77 *et seq.*

to be appropriated by the state legislature for the encouragement of learning; and, finally, the federal government was to allow the state one entire township for the use of a "seminary of learning". The state, in its turn, agreed to exempt from taxation all lands sold by the government for five years after the date of sale and to exempt all lands granted by the federal government as bounty lands for military services while they remained in the hands of the original patentees or their heirs, and for three years thereafter.[15]

The state government leased the saline springs, but used the revenues to improve the properties in order to increase the output of salt, not depending upon them to any great extent as a financial resource for the payment of the expenses of the government.[16] When, about 1830, the springs became worthless for the production of salt, the reserves surrounding them, which amounted to some forty thousand acres, were sold by the state government and the resulting revenue was used in internal improvements.[17] According to the bargain with the United States government, this was the only revenue which the state was free to appropriate, the enabling act specifying that the balance should go to the support of education in one form or other.[18]

Discontent with the arrangement became apparent very early. In some counties where a large proportion of the land was made up of bounty lands which were exempt from taxation, it was found necessary to grant subven-

[15]The enabling act. *R. S.*, 1909, p. 25.

[16]*S. J.*, 7 G. A., 1 Sess., p. 60. In 1819 an attempt was made to borrow $25,000, the proceeds from the Ohio Salines being offered as partial security. *Ill. Hist. Coll.*, IV, 7-8.

[17]*H. J.*, 8 G. A., 1 Sess., p. 94.

[18]It should be noted, however, that the money which was paid into the various school funds by the federal government was almost invariably borrowed by the state and used to pay current expenses. Thus in 1834, December 4, the state owed these funds approximately $114,000. *S. J.*, 9 G. A., 1 Sess., p. 11.

tions from the state treasury to enable them to meet their local expenses.[19]

The provision which exempted newly sold lands for five years also worked hardship because Illinois was being settled very rapidly at this time. A real injustice was caused when it was necessary to meet all expenses of government in a given year from taxes levied on the land of those settlers only whose land had been bought from the government at least five years before. During this period the population of the state, roughly speaking, doubled itself every five years so that the land subject to taxation under this agreement was approximately one-half of the land sold and normally subject to the rates. This was the cause of a great deal of bitterness in some quarters, the older settlers feeling that they were being wrongfully taxed to support others. This feeling found expression in an interesting message of Governor Edwards to the legislature in 1830, in which he recommended such drastic action as the abrogation of the agreement made in the enabling act.[20]

The Failure of the First Banking Venture.

The part played by the state in the banking ventures of the time is another element which affected the problem of taxation to a considerable extent. During the years just preceding 1820, a great number of banks had been es-

[19] *R. L.* 1832-3, p. 518; *L.* 1835-6, p. 231. The amounts expended from the state treasury to counties in the military tract were as follows:—

Two years ending Nov. 30, 1828	$2938
Two years ending Dec. 1, 1830	$4875
Two years ending Dec. 1, 1832	$8950
Two years ending Dec. 1, 1834	$8950
Two years ending Nov. 30, 1836	$8550
Dec. 3, 1836-Dec. 1, 1838	$6000

[20] *S. J.*, 7 G. A., 1 Sess., p. 49. By a long and subtle argument the Governor thought he proved that the public domain remaining unsold within the state really belonged to the state, and he suggested that thereafter taxes be levied on all lands as soon as sold, without regard to any claim to the supposed exemption. In 1837 a delegation was appointed by the legislature to urge upon Congress "the propriety and expediency" of repealing the law making these exemptions. Joint Resolution of January 6, 1837. *L.* 1836-7, p. 337.

tablished in the new western states. Ford states that Ohio and Indiana had incorporated about forty each.[21] There were two more in St. Louis and the territorial government of Illinois had chartered two. These banks all issued notes on insufficient security and began to fail about 1820. Their notes had driven out specie, so with the failure of the banks, the country was left without money of any sort, except such as came into the territory with new immigrants and from taxes of non-residents. It was to meet this need that the first state bank was established in 1821. Its only asset was the credit of the state, the legislature pledging this as security for interest-bearing notes, to be redeemed within ten years.[22] One hundred dollars could be borrowed by individuals upon personal security and a larger sum upon the security of real estate. The officials of the bank were charged with having paid little attention to the security offered. That they did not lack borrowers under these conditions is shown by the fact that nearly $300,000 was loaned out "almost at once.[23] Many people borrowed with no intention of repaying. The notes never circulated at par, and they fell steadily in value from twenty-five cents to fifty and seventy-five cents below par.[24] Auditors' warrants payable in bank notes depreciated with the fall in the value of the bank notes, so that the government in buying its supplies had to pay much more than the market prices to allow for this decline. Only about one-fifth of the $154,878.87 worth of warrants issued by the auditor in 1825 and 1826 were at par. Nearly one half were at 33 1-3 cents on the dollar and the balance ranged irregularly between these two extremes.[25] In 1826 the government recognized the depreciation by setting a discount rate for bank paper paid out at the state treasury.[26] Paper received at face value for

[21] Ford, *op. cit.*, p. 43.

[22] *L.* 1821, p. 80; *Ill. Hist. Coll.*, IV, 7.

[23] *S. J.*, 9 G. A., 1 Sess., p. 297; Ford, *op cit.*, p. 43 *et seq.*

[24] *S. J.*, 5 G. A., 1 Sess., pp. 22, 57; Ford, *op. cit.*, p. 43, *et seq.*

[25] *Aud. Rep.*, 1826, p. 37.

[26] *L.* 1826, p. 90.

taxes was paid out at as much as fifty per cent discount. Those state officers who received their compensation in the form of a fixed salary were seriously embarrassed by this depreciation and found it necessary to appeal to the legislature for the passage of special relief acts increasing their salaries to make good the losses caused by the bank paper.[27] But the state at last extricated itself from this embarrassing situation. The value of the bank notes after a time was gradually raised by the periodical destruction of those received as taxes and in payment of obligations to the bank; and finally the remaining liability was paid with money obtained from a loan. One hundred thousand dollars was borrowed for the purpose, the famous "Wiggins Loan." This was the beginning of the state debt.[28] The currency situation had important effects upon the problem of the collection of the revenue but here it is intended merely to point out its effect upon the amount of money which had to be raised by taxation. The state's connection with this early banking scheme increased that amount by approximately one-fourth.[29]

The Financial Problem in General.

But in spite of all this, when one examines the actual amounts involved in the transactions in this time, he is

[27]A law passed in 1823 added 50% to salaries. *L.* 1823, p. 131; *L.* 1824-5, p. 10; Reynolds, *My Own Times,* p. 143; *S. J.,* 5 G. A., 1 Sess., p. 55.

[28]Reynolds, *op cit.,* p. 144. The only possible exception to the above statement is, that in 1819 a loan of $25,000 was authorized and an attempt was made by Governor Bond to negotiate it. No evidence was found in the accounts of the state treasury of this money ever having been received or repaid. *L.* 1819, p. 16; *Ill. Hist. Coll.,* IV, 7.

[29]*S. J.,* 5 G. A., 1 Sess., p. 64. A report made in 1835 shows that the state was held responsible for almost three hundred thousand dollars ($299,910.88), minus whatever could be realized from outstanding assets whose nominal value was at the time of this report $118,523. *S. J.,* 9 G. A., 1 Sess., p. 297. The responsibility for paying the one hundred thousand dollars loan was taken over by one of the later state banks as a way of paying the state some of the profits made by the state in a deal in bank stocks. But this bank also failed and the debt fell back upon the state once more. The banking venture of 1821 increased the state budget by about one-fourth.

impressed by the feeling that this was indeed the era of small things. The largest amount received into the state treasury in any biennium during this period was only $150,000; the sum total of the budgets for the whole period of thirty years was less than a million dollars. Even at the end of the period, the state was thinly settled and the demands for revenue for purposes which require very large sums to-day were then ridiculously small. Scattered through the state reports, one frequently finds amusing instances which emphasize this. In 1833, for example, the finance committee of the House of Representatives recommended that the annual salary of the warden of the penitentiary be reduced from $600 to $300, because, as the report reads, "During the last two years, only four convicts have been confined in the penitentiary; that two of these have been pardoned by the Governor; that the time of one has expired, leaving only one at this time in confinement."[30]

This brief consideration may serve to point out some of the more important factors which shaped the financial problem of the state. It appears, in regard to the scope of this problem, that, first, the state was confronted with the task of organizing itself, and of providing itself with the necessary tools with which to do its work; that, second, the scope of the activity of the state was narrower in some directions, as, for example, in the matter of road building, and broader in other directions, such as banking, than is the case at present. In regard to the ability of the state to solve its financial problem, the examination has pointed out that the taxable capacity of the people was not great, chiefly because of the poor immediate returns from their investments which consisted largely of land; that the state was handicapped by its agreement with the United States government with regard to the exemption from taxation of certain lands, and that, finally, the state's unfortunate experiment in banking, increased very appreciably the financial burden which had to be carried by the struggling young commonwealth.

[30] *H. J.*, 8 G. A., 1 Sess., p. 138.

CHAPTER III.

Legislation, 1809-1838.

Although the legislation of the Territory of Indiana was carried over in its entirety by the Territory of Illinois upon its formation in 1809, it must not be thought that all the revenue laws thus adopted were at once put into operation. In fact, it is very probable that there were few Indiana tax laws used in the Territory of Illinois without specific reënactment by the Illinois legislative authorities. As the needs for revenue presented themselves, the Illinois legislature passed laws to meet them, patterned very largely, it is true, after the laws of Indiana, but after the Indiana laws of a period a little earlier than 1809, when the actual separation took place. This was because Illinois was about a decade behind Indiana in her economic developement and when she came to choose her laws, she found that those which had been in force in Indiana a decade before, better fitted her needs than those in force contemporaneously, in the neighboring state.

At almost every session during this period, the legislature meddled and tinkered more or less with the revenue system. Changes were often made one year, only to be repealed the next. Governor Ford, in speaking of the condition of law-making before 1827, said:[1]

> all the standard laws were regularly changed and altered every two years, to suit the taste and whim of every new legislature. For a long time, the rage for amending and altering was so great that it was said to be a good thing that the Holy Scriptures did not have to come before the legislature; for that body would be certain to alter and amend them, so that no one could tell what was or was not the word of God, any more than could be told what was or was not the law of the State.

Indeed there was often misunderstanding even on the part of administrative officials as to exactly which laws

[1] Ford, *Hist. of Ill.*, p. 32.

were in force. The revisions of the code were very carelessly made. For example, the first territorial legislature in 1812 declared all the Indiana laws which were in force on March 1, 1809, and which had not been repealed by the governor and judges during their régime (1809-1812) to be the laws of Illinois.[2] Yet a revision of the laws of Illinois made in 1815 included the revenue law of Indiana almost exactly as it stood in 1807, ignoring the changes made by Indiana, from 1807 to 1809, by the governor and judges of Illinois, from 1809 to 1812, and by the legislature of Illinois, from 1812 to 1815.[3] A great deal of confusion of this period can be traced to this compilation.[4]

Property Taxed and the Rates Imposed.

The Indiana law for levying a territorial tax on land which was nominally adopted by the governor and judges of Illinois in 1809, was evidently little used; perhaps the only time during the three years, 1809 to 1812, was in 1809 when an act was passed which provided for the levy of a slight tax on land, the maximum rate being ten cents on the one hundred dollars' valuation. But here, although the machinery of the territorial tax was used, the tax was in reality only a local one, for the income went not to the

[2] *L.* 1812, p. 5.

[3] *Revised Laws,* 1815, p. 614.

[4] In the first section of the law, which describes the property subject to taxation, neat cattle were omitted. These had been exempted by the law passed in 1810. But in the section which specified the rates which were to be levied on the various kinds of property, neat cattle were included. P. 614. That the taxation of neat cattle was really not intended by the legislature is shown by the fact that in 1816 an act was passed refunding such taxes as having been levied by mistake by the courts of Edwards and Gallatin Counties. *L.* 1816-17, pp. 4-5; *L. Terr. Ill.,* 1809-1811, p. 28. The tax on each free male inhabitant who did not pay a minimum land tax was repealed by an Indiana law in 1808. It was reënacted in 1813 only to be repealed the following year. This tax was re-imposed by the law published in the compilation of 1815, the section being copied from the Indiana compilation of 1807. Manuscripts in the office of the secretary of state, acts approved December 11, 1813, and December 14, 1814.

territory but to the counties and was used exclusively for the erection of county buildings.[5] It seems probable that the funds received from the fees and fines proved sufficient for the needs of the territorial government from 1809 to 1812.[6]

One of the important questions discussed at the first session of the territorial legislature in 1812, was that of levying a tax for the purpose of raising a territorial revenue. As soon as the legislature had heard the governor's message and had adopted rules of order, a committee was appointed to consider how a fund should be raised to support the territorial government, and three weeks later the governor signed a bill providing for the levy of a tax for this purpose.[7] Instead of the land tax law inherited from Indiana by which each piece of land was separately evaluated, this act of 1812 reverted to a scheme similar to that which had been in force in the Territory of Indiana before 1805. The land was roughly grouped into three classes according to quality: the bottom lands of the Ohio and Mississippi were considered first grade lands and were taxed at the highest rate, one dollar per hundred acres; all other located lands in the state were rated as second class lands and were subject to a tax of seventy-five cents per one hundred acres; the third class was made up of all claims to land, confirmed by the proper authorities but not yet located, and the tax on this class was thirty-seven and one-half cents per one hundred acres.[8]

[5] *L. Terr. Ill.*, 1809-11, p. 8. This law was similar to the Indiana law of 1808. *Cf. supra*, p. 22.

[6] An act passed in 1809 set aside certain fees and fines which were to constitute a fund to defray the expenses of the territorial government. *Ibid.*, p. 10. No mention is made in the executive register of any tax on land whose proceeds accrued to the territorial government.

[7] Journal of the House of Representatives, in E. J. James', *Territorial Records of Illinois*, 1809-1818, *Ill. State Hist. Library Pub.*, no. 3, pp. 78, 94, 100, 117; *L.* 1812, p. 17 *et seq.*

[8] It may be worth while to note a law passed in 1813 and repealed the following year which, in a sense, was supplemental to the land tax. This law imposed an annual tax of fifty cents on each "free male inhabitant" in the territory, over twenty-one years of age who did not

For six years, until the state had been admitted into the Union in 1818, the act of 1812 remained in force without changes of importance. The division of the property for taxation between the territorial and county governments remained as it had been under the Territory of Indiana, land being taxed by the territory and certain specified property by the counties. The only point of interest is the reversion to the old method of valuing the lands by general groups rather than by individual appraisement.

In a territory where a form of the general property tax had been known and used since the time of its organization, it is rather to be expected that this system should be prescribed in the constitution when that territory became a state. So when it is found that Illinois stipulated the general property tax in its constitution adopted in 1818, discovery is not a surprising one. A very interesting fact comes to light, however, when one endeavors to trace the origin of this constitutional clause. Then it appears that, although the constitution of 1818 was copied for the most part from the constitutions of Kentucky, Ohio, and Indiana,[9] no tax clause such as this appears in the constitutions of those states. And furthermore, when the examination is widened to include all the state constitutions adopted prior to 1818, it is found that in no other instance is the general property tax prescribed with anything approaching the definiteness with which the Illinois clause commits the state to this policy. The clause appears, peculiarly enough, in the bill of rights and reads:

> That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare: That the mode of levying a tax shall be by valuation so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession.

Strange as it may appear, this clause in the Illinois constitution seems to have been adopted as a matter of course in the constitutional convention. It was included in the first draft of the constitution as originally reported

pay an annual land tax to the territory. Manuscript in the office of the secretary of state, approved Dec. 11, 1813, and repealed Dec. 14, 1814.

[9]Moses, *Illinois,* I, 284.

and remained unamended throughout the entire convention.[10]

The Maryland constitution of 1776 contains the clause which most nearly approximates the one found in the Illinois constitution. It reads:

XIII. That the levying of taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of the government; but every other person in the State ought to contribute his proportion of public taxes, for the support of the government, according to his actual worth, in real or personal property, within the State; yet fines, duties, or taxes, may properly and justly be imposed or laid, with a political view, for the good government and benefit of the community.[11]

It will be noted here that the final clause provides a loophole large enough to allow for the introduction of an entirely different system.

Shortly after the adoption of the new constitution (1818) the state, for the first time,[12] yielded a share of the land tax to the counties and, in turn, diverted to its own coffers some of the revenue from the taxes on personal property.[13] Three types of property were to be taxed under ordinary circumstances—land, bank stock and negro slaves. One of these, bank stock, seems to have the honor of being the first species of intangible property to be mentioned in an Illinois tax law. However, when not enough revenue was received from the tax on personal property to meet both state and county expenses, a tax for county purposes only could be levied on "Town-lots, carriages for the conveniences of persons, distilleries, stock in trade, and such other personal property as they (through their county commissioners) may think proper."[14]

[10]*Journal of the Convention*, 1818, p. 40, *et seq.*

[11]B. P. Poore, *Federal and State Constitutions* (Washington, 1877), p. 818.

[12]Perhaps the unimportant exception of the slight, special land tax of 1809, for county buildings, should be mentioned. *Supra*, pp. 36, 37.

[13]*L.* 1819, p. 313 *et seq.* The amount received by the state from the taxes on personal property was very small, indeed, practically all of the support of the government until 1833 coming from the land tax.

[14]The power to tax these specified articles and "such personal property

No provision was made for a possible shortage in the revenue for the payment of state expenses. The tax rate on all property was fixed at one-half of one per cent per annum of the value of the property. The state was to take all the revenue from the tax on bank stock while the counties were to receive that from the taxes on negro slaves. The revenue from the tax on land was to be divided between the state and the counties; the former was to

as they might think proper" was made more definite by acts passed later. Thus in 1827 (*R. L.* 1827, p. 325 *et seq.*), some additional property was specifically mentioned as available for taxation, as horses, mares, mules, asses, and neat cattle above three years of age, and watches and their appendages. In 1829 (*R. L.* 1828-9, p. 123), ferries were added. They were to be assessed on the basis of their value or annual income and not more than $300 was to be collected from any one ferry in any single year. The proceeds of this tax were to be applied to the opening and repairing of roads leading to the ferry. In 1823 (*L.* 1823, p. 203 *et seq.*), town-lots were to be taxed by the counties if they were not subject to a tax of one-half of one per cent or more to support a town government. In the law of 1827 (*R. L.* 1827, p. 325 *et seq.*) town lots were declared taxable for county purposes if not taxed by the trustees of the towns. The following general provision was found tucked away in a special act passed and published the same year, 1827, (*Priv. L.* 1826-7, p. 4), entitled "An act for the relief of the Town of America, in Alexander County, and for other purposes": "Hereafter, no tract, or lot of land, lying within the incorporation of any town or village, in this state, shall be liable for any tax except for county or corporation purposes." This is somewhat in conflict with the provision of the general law quoted above. If lots were not taxed by the trustees of the towns, they were subject, according to the general law, to taxation in the regular manner, the revenues being divided between the counties and the state. This special provision would seem to bar the state from receiving its share of such a tax. Whether this difficulty arose in practice is not known.

A slight exemption was made by a law passed in 1836 and repealed about a year later (*L.* 1835-6, p. 254; *L.* 1836-7, p. 49), which decreed that such bulls as might be designated by county inspectors as suitable for breeding purposes should be free from taxation.

In some special cases the legislature exempted particular bits of property from taxation by the county commissioners. An example of this is an act passed in 1819 (*L.* 1819, p. 44), authorizing John Small to build a toll bridge. The minimum rate was fixed by the act but aside from that restriction, the county commissioners were empowered to regulate the rates. But, the act reads, "said bridge shall not be taxed by the county commissioners under any pretense whatever." A peculiar provision

have all from the lands owned by non-residents of the state, and two-thirds from the lands owned by residents; the counties were to take only the remaining third of the revenue from the resident land tax.

The class to which a piece of land belonged was less arbitrarily fixed by this new law of 1819 than under the territorial law; the class was to be declared by the owner, being no longer determined by such considerations as mere geographical location. Land of the first class was to be valued for taxation at four dollars per acre, land of the second class at three dollars, and land of the third class at two dollars. This valuation, subject to the one-half of one per cent rate, meant a tax of two dollars per one hundred acres for first class land, one dollar and fifty cents for second, and one dollar for third. Under the law in force during the territorial period, the best land had been taxed one dollar per one hundred acres and the poorest thirty-seven and one-half cents per one hundred acres. The new law, then, at least doubled the tax on land per acre.

After the passage of the law of 1819, the division of the revenue from the tax on land between the state and the counties was twice readjusted before a satisfactory arrangement was attained. In 1821 the counties were given two-thirds of all the land taxes, both on residents and non-residents, in place of one-third of the resident land tax which had been their share by the law of 1819.[15] At this particular time the condition of the state treasury was excellent, the income being greatly in access of the lia-

was that contained in the charter of the Mount Carbon Coal Company (*L.* 1834-5, p. 194), which provided that when the dividends should exceed twelve and one-half per cent per annum, the company should pay a tax into the county treasury, evidently exempting the property of the ompany until such a state of affairs should come to exist. Interesting also are the charters of two railway companies (*L.* 1835-6, p. 95, *Incorp. L.* 1836-7, p. 341), which specified that a tax of one-half of one per cent should be laid upon the amount of capital actually employed in the companies in lieu of all taxes upon stock and property for both state and county purposes.

[15] *L.* 1820-21, p. 182.

bilities.[16] But this state of affairs did not long continue, and in 1823 the state found it necessary to recall from the counties the share in the revenue from the non-resident land tax granted them two years before, leaving them merely the two-thirds of the resident land tax and the local taxes on other kinds of property.[17] This plan of division held for the remainder of the period—until 1838.

The arrangement under which non-residents paid their land tax to the state and residents one-third to the state and two-thirds to the counties, had several interesting, incidental effects. Thus, while the residents contributed only a small sum to the support of the state government, and the non-residents paid no local taxes whatever, there was considerable bitterness in some quarters where the percentage of land owned by the non-residents was high; for the residents felt that they were bearing the entire burden of making the local improvements which were adding value to the lands of the non-residents.[18] It is impossible to determine how far this state of affairs tended to decrease the sense of responsibility of the state legislators who spent the state money but represented electors who contributed but little to the state treasury; but it is evident that, as a general policy, the practice was an unwise one. In its immediate results, the plan was fiscally successful; it increased the state revenues. Yet, even at best, the arrangement could be only temporary, for it was almost inevitable at this period that the land should come more and more to be owned by residents and that the state revenue should therefore decrease *pari passu*.

In 1823 the bank-stock tax was abandoned. It had proved of no significance fiscally.[19] The auditor's report

[16]Governor's Message, Dec. 6, 1820. *S. J.*, 1820, 2 G. A., 1 Sess., p. 11. "It is pleasing to remark upon the flourishing condition of the treasury. The debt of the late territorial government has been extinguished; the demands against the treasury bear but a small proportion to the funds therein."

[17]*L.* 1823, p. 203 *et seq.*

[18]Ford, *op. cit.*, p. 77.

[19]*L.* 1823, p. 203 *et seq.*

for the two years, 1820-1822, shows that less than one-hundred dollars ($97.77) was received from non-resident stock-holders and that the revenue from the stock owned by residents was included in an item of $7,268.23 which represented the total amount received by the state from the local collectors, including the state's share in the residents' land tax. This income was the only support received by the state government from a tax on personal property during this period, the entire state revenue with this slight exception being raised from taxes on land.

By an amendment passed in 1825, counties which found themselves unable to meet expenses under the one-half of one per cent rate were permitted to increase that rate to one per cent.[20] But two years later this rate was again reduced to the old mark.[21]

An act of 1831 changed this classification of lands for taxation by abolishing the third class.[22] This, of course, had the effect of raising the valuation of those lands which may have been rated as third class lands from two to three dollars per acre.

Eagerness to make the taxes as light as possible to new settlers can be seen in the special provision made in the law of 1821 for persons who were paying for their land by installments.[23] "Lands entered and purchased from the United States", the law reads, "whereon only one, two or three installments of the purchase money shall have been paid, shall in no case be valued higher than in propotion to the amount of money actually paid thereon". With the enabling act in force which released newly purchased lands for a period of five years such a measure was needed only to care for cases where the payments for land were extended over a long space of time. Perhaps this law may be assumed to have some significance as marking the earliest attitude of the state toward the question of the deduction of debts.

[20] *L.* 1824-5, p. 172 *et seq.*
[21] *R. L.* 1826-7, p. 325 *et seq.*
[22] *L.* 1830-1831, p. 125 *et seq.*
[23] *L.* 1821, p. 182 *et seq.*

It is evident from this survey that, although not all property was taxed by each governmental authority, taxes were levied upon nearly all the objects of value in the community. Such exemptions as were made were demanded by the social exigencies of the times. It was a composite system and a more or less haphazard one, the state taxing some types of property and the localities others. This division of property for the purposes of taxation varied slightly from time to time. The main support of the state was the tax on land. The counties, however, shared in this tax after 1819. They received all the proceeds from the personal property taxes, except those from the tax on bank stock which were negligible in amount. Land, as the most valuable item in the social wealth, bore the largest share of the burden. The rates, although raised sharply in 1819 and again in 1831, were much lower all through the period than they are at the present time. Finally the tax was a charge primarily upon the *"thing"* rather than upon the *"person"* and was, in form, a percentage rather than an apportioned tax.

Assessment Methods.

As might be expected the methods of assessing the taxes were very crude. During the greater part of the period under consideration, the procedure for listing the property of residents was that outlined in the law of 1812 which was briefly as follows: the official assessor would advertise a date on which he would be present in a township; on that day residents of the township who owned taxable property would present themselves at the place advertised and, having been sworn, would list their property with the assessor; penalties for failure to list or for fraud were provided; the assessor would then make up the necessary lists and turn them over to the proper officials.[24] Few changes were made in this system until 1827 when there was substituted for this very primitive method the more modern one by which the assessor called at the resi-

[24] *L.* 1812, p. 17 *et seq.*

dence of each property owner and demanded a statement of his property.[25] If the property owner was not at home, this law provided that the assessor should estimate the value of the property to the best of his ability, holding the estimate subject to revision upon complaint of the person assessed. This new system was evidently necessary to secure the listing of personal property in particular, for in counties where no tax on personalty was levied, the assessor was not required to call at the residence of the property owner.

From the present day standpoint the penalties imposed under this system seem harsh and unusual. By the law of 1812, in any case of fraud in listing, all the property involved was to be forfeited to the state.[26] This law was repealed in 1814 and the property, instead of being confiscated in such cases, was declared subject to a triple tax.[27] The triple tax was at this time also imposed for mere neglect on the part of the owners to list their property.[28] In 1817 a five dollar fine was added to the penalty for each case of fradulent listing.[29] By the law of 1821 the penalty of the triple tax for failure to list was somewhat accentuated by the provision that land not listed regularly by the owner should be considered first class land and the triple tax levied on that basis.[30] Then, perhaps in disgust at the inefficiency of the heavy penalties, the legislature in 1821 swept them all away—but only to reënact another set two years later.[31] These new penalties were a triple tax for fraudulent listing and a double tax for neglect or refusal properly to list the property for taxation.[32]

[25] *R. L.*, 1826-7, p. 325.

[26] *L.* 1812, p. 17 *et seq.*

[27] Manuscript in office of secretary of state, dated Dec. 1, 1814.

[28] *Ibid.*, Dec. 8, 1814. A law passed Dec. 8, 1814, provided that any land which had been forfeited under the act of 1812, might be redeemed by paying the triple tax.

[29] *L.* 1816-17, p. 45.

[30] *L.* 1819, p. 313 *et seq.*

[31] *L.* 1821, p. 182 *et seq.*

[32] *L.* 1823, p. 17 *et seq.*

Practice varied in regard to the particular officers designated to list the property subject to taxation. By the law of 1809, the sheriff was made responsible for this work so far as the county levies were concerned.[33] Under the Indiana law this had been done by two free-holders in each township. But all was changed by the law of 1812, by which the assessment for both county and territorial taxes was assigned to an appointed commissioner in each county.[34] Two years later, in 1814, county treasurers, appointed by the governor, were given the task of listing the lands for the territorial tax,[35] and, in 1815, the assessments for county levies were again assigned to two free-holders in each township, according to the old Indiana plan.[36] This reënactment of the Indiana law of 1808 was evidently an unintentional blunder, for haste was made to repeal it and to reëstablish the provisions of the law of 1812.[37] By the law of 1819 the assessment in each county remained in the hands of a single appointed official but he was now called a treasurer rather than a commissioner.[38] For two years, 1825-27, this officer was called an assessor,[39] but after 1827 the treasurer was the officer in charge. It is seen, then, that almost without exception the listing and appraising of property for taxation before 1837 was done by a single assessor in each county, who was an appointed rather than an elected official.

As early as 1812, residents were required to make oath to the correctness of their lists of property, as given to the assessor.[40] In 1817 the oath was made very specific. It read as follows:

I, A. B., do solemnly swear or affirm, as the case may be, that this list contains a true and perfect account of all persons, and every species of

[33] *L., Terr. Ill.*, 1809-11, p. 7.
[34] *L.* 1812, pp. 17, 31.
[35] Passed Dec. 24, 1814. *R. L.* 1815, p. 500.
[36] *R .L.* 1815, p. 614.
[37] *L.* 1816-7, p. 45 *et seq.*
[38] *L.* 1819, p. 313 *et seq.*
[39] *L.* 1824-5, p. 172; *R. L.* 1826-7, p. 325.
[40] *L.* 1812, pp. 17, 31.

property belonging to or in my possession or care, subject to taxation, and that no contract, change or removal whatever has been made or entered, or any other mode advised or used to evade the payment of taxes.[41]

The oath was retained as part of the system by the law of 1819.[42] In 1821, the efficiency of this plan as a means of securing full valuation was evidently questioned, for power was given to the assessor to go behind the sworn list submitted by the property owner.[43] In cases where he believed the valuation to be too low, he was directed to call the matter to the attention of the county commissioners who were to give a hearing to the property owner, and, if he were unable to show why his property should not be rated higher, they were to assess him on the basis of the higher valuation.

A most interesting change was made by the law of 1829. At this time, strange to say, the oath was given up as an instrument for securing a full assessment. The law reads:

Whenever, in the opinion of the county treasurer, any person shall list his property below its real value, it shall be the duty of said treasurer to alter the valuation thereof, in such manner as to make it as nearly equal to the general valuation of the same species of property as possible; and no person shall be compelled to value his property under oath.[44]

It would be interesting to determine the effect of this change in the law; but so far as it is possible to make any statement from the data available, the presence or absence of the oath requirements seems to have had little effect upon the assessment, one way or the other. The data are very unsatisfactory, however; and the state was increasing so rapidly in wealth and population at this time as to make comparisons of one year with another almost valueless.

Property belonging to non-residents was assessed under a plan entirely different from the one outlined above. Under the law of 1812 such property was to be

[41] *L.* 1816-7, p. 46.
[42] *L.* 1819, p. 313 *et seq.*
[43] *L.* 1820-21, p. 182 *et seq.*
[44] *R. L.* 1828-9, p. 121 *et seq.*

listed annually by the owner with the state auditor.[45] In 1816 the law was made more detailed and explicit.[46] The auditor was empowered, in case of neglect on the part of the owner, to list the land according to the best information he could procure. Annual registration with the auditor was made unnecessary by the law of 1823. Once listed, the property was to stand until a transfer in ownership was made.[47]

Persons owning land in counties other than those in which they resided were directed by the law of 1827 to list their land with the state auditor in the same manner as non-residents.[48] In 1829, they were given the option of listing such land with the state auditor or with the county officials[49]; but, in 1835, the county officials were directed to administer an oath, in such cases, that the *bona fide* owner of the land resided in the state.[50] This law had been necessitated by the fact that agents frequently listed land, belonging to non-residents, in their own names. This practice, aside from confusing the classification upon which rested the division of the revenues between the counties and the state government, was the cause of loss to the state through the seven and one-half per cent fee which was paid to the county sheriffs for collecting such taxes.[51]

The arrangement for the assessment of bank stock, which was taxable for state purposes in the early twenties, is worthy of note.[52] This, it will be recalled, was the first attempt to tax intangible personal property. Evidently the difficulty of securing a return of such property was apparent, for the law required the banks located within the state to coöperate in the assessment by furnishing the

[45] *L.* 1812, p. 17.

[46] *L.* 1815-6, pp. 57-61.

[47] *L.* 1823, p. 203.

[48] *L.* 1826-7, p. 325.

[49] *R. L.* 1828-9, p. 119 *et seq.*

[50] *L.* 1834-5, p. 51.

[51] *S. J.*, 9 G. A., 1 Sess., p. 174. The auditor's reports show that these refunds were very insignificant in amount.

[52] *L.* 1819, p. 313 *et seq.*

county treasurers with lists of the resident stock-holders. The treasurers then were required to inform one another by an exchange of communications, of stock owned by residents of various counties, very much as the lists of mortgage owners are exchanged in some states at the present time.

In general these assessment methods were so exceedingly primitive that it seems remarkable that they secured the listing of any property at all. Before 1827, the property owner was depended upon not only to assess himself but also to hunt out the assessor in order to declare his property. The penalties were very heavy, it is true, being double and triple the amount of the tax for neglect or fraud. But the practice of depending upon penalties to enforce laws has usually been far from successful. Heavy penalties were more likely to be effective at this stage than later, however, for all property was of the sort which was difficult to conceal, so that the risk of detection in cases of fraud was relatively large.

Collection Methods.

The method of collecting the taxes was quite simple. The list of resident tax payers was given to the sheriff who proceeded to collect the amounts charged to each individual.[53] After 1827 the sheriff was directed to call at each person's residence and demand payment.[54] Heretofore, this had not been required. Collection was enforced by distress and sale. The taxes of non-resident land owners were payable for most of the period at the state treasury.

A date was fixed on which the sheriff was required to account for the money collected by him [55] and heavy pen-

[53] *L.* 1812, p. 20; *L.* 1819, p. 313 *et seq.*

[54] *R. L.* 1826-7, p. 325 *et seq.* All through the period the sheriff was the officer in charge of the collection of the taxes of the residents. He received as his compensation a percentage of his collections. Seven and one-half per cent was the usual rate.

[55] This date was often changed during the period. For a time it was December 1; then it was changed to November 1; then to December 10 etc. *L.* 1812, p. 19; Manuscript in the office of secretary of state, Dec. 24,

alties were provided for delay in turning the funds into the proper treasuries.[56]

When the sheriffs found it impossible to collect the taxes, they were empowered, by the law of 1812, to sell the property after a forty day notice, and to pay the taxes out of the proceeds.[57] Land was not to be sold for taxes if there was sufficient personal property to make up the amount of the tax. The laws passed later in the period merely elaborated this procedure. Thus, the law of 1829 only changed the code by specifying in detail the methods to be used in advertising property for sale.[58] Until 1833 the state conducted the tax sales of the property of non-residents; but, at that time, the task was assigned to county officials who turned over the receipts to the state treasury.[59]

Arrangements were made whereby persons whose property was sold for taxes could redeem it within a reasonable time. This redemption period was made two years in 1812.[60] From 1821 to 1827, the period was shorter, one year, but then at the suggestion of Governor Coles it was again lengthened to two years.[61] In 1819, for minor heirs, it was lengthened until one year after the date when the youngest heir should become of age. This provision held through the rest of the period.[62] The person seeking to recover his property sold at a tax sale had to pay a large premium to the purchaser. By the law of 1812 he was

1814; *L.* 1817-8, p. 41; *L.* 1819, p. 313 *et seq.; R. L.* 1826-7, p. 325 *et seq.; L.* 1836-7, p. 194.

[56]In 1818 the penalty was made one per cent per day; in 1823 it was changed to one per cent per week for state funds and one per cent per month for the county funds; and, finally in 1827, it was made one per cent per week for counties also. *L.* 1817-8, p. 41; *L.* 1823, p. 203 *et seq.; R. L.* 1826-7, p. 325 *et seq.*

[57]*L.* 1812, p. 20.

[58]*R. L.* 1828-9, p. 122.

[59]*R. L.* 1832-3, p. 528.

[60]*L.* 1812, p. 20.

[61]*R. L.* 1826-7, p. 325 *et seq.; L.* 1820-21, p. 182 *et seq.; S. J.*, 5 G. A., 1 Sess., p. 26.

[62]*L.* 1819, p. 313 *et seq.*

compelled to pay the person who had bought his property the purchase price plus one hundred per cent. For part of the period the penalty stood at this figure and part of the time at fifty per cent, the proportion being changed from one figure to the other several times.[63]

Property sold to the state for taxes could be redeemed, under the law of 1827, by paying the purchase price, plus fifty per cent and subsequent taxes.[64] In 1833 the fifty per cent penalty was removed and there was substituted an interest charge of six per cent per annum on the amount of the taxes and costs.[65]

In cases where property was twice sold for taxes within three years, it was arranged, in 1829, that the original owner could redeem by paying the purchase price and the costs of the first sale and double the amount of the purchase price, interest and costs of the second sale.[66]

Special County Levies and Municipal Taxes.

Aside from the general uses to which the general property tax was put, mention should be made of the county levies for various special purposes and the utilization of the general property tax in municipal finance. The county levies for special purposes were made then by the county commissioners. Usually, though not always, such levies were authorized by special acts of the legislature, which permitted the commissioners to order the collection of an additional rate for some particular object upon the property ordinarily taxable for county purposes. These objects were

[63]The penalties were:—
1812, Purchase price plus one hundred per cent.
1821, Purchase price plus fifty per cent, plus cost for advertising.
1823, Purchase price plus one hundred per cent.
1825, Purchase price plus fifty per cent.
1827, Purchase price plus one hundred per cent, plus interest and costs and interest on subsequent taxes. *L.* 1812, p. 20; *L.* 1820-21, p. 182 *et seq.*; *L.* 1823, p. 203 *et seq.*; *L.* 1824-5, p. 172 *et seq.*, and *R. L.* 1826-7, p. 325 *et seq.*

[64]*R. L.* 1826-7, p. 325 *et seq.*

[65]*R. L.* 1832-3, p. 528.

[66]*R. L.* 1828-9, p. 122.

always specified; they included schools, bridges, roads, county buildings, and the improvement of navigation of rivers. One of the most important of these special taxes was one authorized by a general law in 1825 which permitted the county commissioners in any county of the state to levy a general property tax for road purposes.[67]

Before 1825 no provision had been made for the building and maintenance of roads aside from a poll tax, payable in labor on the roads, and whatever the counties might care to undertake and pay for out of ordinary revenues. The state, indeed, occasionally made a small appropriation toward the expenses of laying out a new road.[68] But this new law provided a distinct revenue for road purposes. Power was given to the county commissioners of the various counties to levy a maximum rate of one dollar and fifty cents on every one hundred dollars' worth of taxable property. The counties were divided into road districts and supervisors were appointed for each district to see that the property owners discharged the tax in labor on the roads or commuted it by providing a substitute to do the work for them. This bill was in force only two years, being repealed by the legislature of 1826-27.[69] Governor Ford gives for the cause of the repeal of this law the hatred of the people for taxation.[70] The rate however was quite

[67] *L.* 1825, p. 27.

[68] Sums were expended from the state treasury for roads and bridges during this period as follows:—

	Roads	Bridges	Total
Jan. 1, 1823, to Nov. 30, 1824	$3,556.66		$3,556.66
Two years ending Nov. 30, 1826	2,344.50		2,344.50
Two years ending Nov. 30, 1828	3,228.56	$ 880.00	4,108.56
Two years ending Dec. 1, 1830	1,700.00	1,100.00	2,800.00
Two years ending Dec. 1, 1832	97.62	1,048.50	1,146.12
Two years ending Dec. 1, 1834	2,296.64	300.00	2,596.00
Two years ending Nov. 30, 1836			
Dec. 3, 1836, to Dec. 1, 1838	780.00		780.00

[69] *L.* 1827, p. 47; Ford, *Hist. of Ill.*, pp. 58-60. The poll (labor) tax was continued. Bridges were kept in repair from the county road tax. *L.* 1827, p. 62.

[70] *Supra.*, pp. 28, 29.

high and some of the opposition was probably warranted. In its operation the law seems to have been eminently successful. "The roads were never before nor since in such good repair..." is the testimony of Ford, a number of years afterward.[71]

After the repeal of the road law in 1827 no taxes of this sort were levied until 1831 when a much weaker law was passed which made property the basis for a charge in case a three-day labor requirement was not sufficient. The rate was one day's labor for every one hundred dollars worth of property. For commutation purposes a day's labor was to be reckoned at fifty cents.[72]

In 1835 a different arrangement was made. A tax could be levied for road purposes either on real estate or on personal property, but not on both the same year.[73] If on real estate, the tax, at the most, could be equal to one-half of the state tax collected in that county. If on personal property, the maximum rate was twenty-five cents on every one hundred dollars worth of property. The commutation rate was seventy-five cents per day, but by 1845 it had been raised to one dollar.[74]

The amount which could be collected for roads was limited in 1836[75] to one-third of the county receipts of the previous year.

In this same year, 1825, when the first road law was passed, there was also passed a school law which provided for the levy of a tax similar to the road tax. The rate was not to exceed one-half of one per cent. This law suffered the same fate as the road law, becoming unpopular with the people and being repealed in 1827. A voluntary tax was enacted in its place under which no person could be taxed without his consent in writing.[76]

[71]Ford, *op cit.*, p. 58.

[72]*L.* 1830-31, p. 159.

[73]*L.* 1835, p. 129.

[74]*R. S.*, 1845, p. 485 *et seq.*

[75]*L.* 1835-6, p. 207.

[76]J. M. Peck, *A Gazetteer of Illinois in Three Parts* (2 ed., Philadelphia, 1837,) p. 66; *L.* 1827, p. 364.

A good example of the tax levied for bridge purposes is that of an act passed in 1831, "authorizing the County Commissioners' Court of Shelby County to levy a tax for certain purposes." It permitted the commissioners to levy a tax on land and personal property for the purpose of building a bridge over the Kaskaskia River. No limitation was put on the rate. The sheriff's collection fee was restricted to five per cent.[77] In 1824 the legislature authorized the commissioners of Sangamon County to collect a tax of not less than one-fourth nor more than one-half per cent on all the taxable property in the county for the purpose of improving the lower course of the Sangamon River. A referendum to the people was provided.[78] County buildings were some times paid for under this same arrangement. Thus, in 1825, the Gallatin County commissioners were required to lay a tax of one and one-half per cent upon the value of all property subject to county taxation, to build a court house and jail.[79] The court house of Crawford County was built with the proceeds of a tax of one per cent on the property of the taxable inhabitants.[80] Legislation, of which the acts quoted above are typical, was very common all through the period under discussion. At every session many such laws were passed and the county taxes collected under this arrangement must have made up a large proportion of the total county receipts.

Although throughout this early period the towns were small, the beginnings of municipal taxation are to be found in the legislation of these years. The powers of towns to act as public corporations came, for the most part, through special charters granted by the legislature. In 1831 a general incorporation law was also passed, [81] but it was merely permissive in character and most of the municipalities, continued even after its passage, to go to the legislature for special charters.

[77] *L.* 1830-31, p. 23.
[78] *L.* 1824-25, p. 28.
[79] *L.* 1824-25, p. 165.
[80] *Private L.* 1832-33, p. 28.
[81] *L.* 1830-31, p. 82.

It is to be expected that under such a system there should be the greatest diversity among the powers granted to various municipalities. In respect to the property subject to taxation, however, the practice was fairly uniform. During the early part of the period, it was not usual to designate specifically all property subject to taxation for municipal purposes; with but one exception, the charters granted during these early years specified that only the town lots lying within the corporate limits "without reference to the value of houses or other improvements" should be made the basis for the levy of taxes. The exception is the Mt. Carmel charter of 1825 which designated that the tax should be laid on both "the real property in such town and on personal property owned by persons living in such town."[82] Somewhat later in the period it became customary to declare "real estate" taxable, without further defining the term. In 1837 Chicago was granted a city charter which authorized the common council to levy a tax upon "real" or "personal estate." There are scattered examples of similar grants of power, as in 1835 (Mt. Carmel), and 1840 (Carmi).[83] During the same year charters were also granted to the city of Alton and the town of Ottawa, which finally designated that all property should be used as the basis for the levy.[84] Taxes were to be levied in the case of Ottawa, "upon all real estate and personal property," and in the case of Alton upon the "real and personal property within the limits of said city." About the same time a similar charter was given to Galena.[85]

The levy of a municipal tax usually exempted the property within the corporate limits from any county tax. So it would seem that, except in such scattered cases as those mentioned above, the general property tax, strictly defined, did not exist in the municipalities of Illinois during this

[82] *L.* 1824-25, p. 72.

[83] *L.* 1836-37, p. 50. Real estate was made taxable by the general law of 1831, by the Chicago charter of 1835 and the Lower Alton amendment of 1835. *L.* 1834-5, pp. 172, 210; *L.* 1839-40, p. 70.

[84] *L.* Sp. Sess. 1837, pp. 17, 96.

[85] *Incorp. L.*, 1836-37, p. 16.

early period. How this condition was reconciled with the provision of the state constitution requiring the general property tax is not evident; the question appears not to have been raised.

The maximum rates which were specified in these early charters varied from one-fourth of one per cent to four per cent, upon the value of the property designated for taxation. Most of the acts, and particularly those passed by the later legislature set the rate at one-half of one per cent.[86]

As in the case of the counties, power was sometimes granted to municipalities to levy rates for special purposes. Thus by a law of 1821, the trustees of the town of Alton were permitted to levy a tax on all town lots not exceeding seventy-five cents per lot per annum for the support of schools.[87] In 1837 Alton was again empowered to levy a school tax.[88] By this act the council was authorized to assess upon the real estate of the city the sums necessary to purchase lots and erect buildings, and to assess upon personal property a tax sufficient to raise the necessary sums for the support of the schools. The rate was not to exceed one-fourth of one per cent and the receipts were to constitute a fund to be used exclusively for the support of the common schools.[89]

A spirit of rivalry often rose between towns desiring to be designated as the county seat and to secure the lo-

[86]The following list of references to charters granted, grouped according to the tax rates specified, will give more specific information on this point:

One-fourth of one per cent—*L.* 1835-6, p. 180.

One-half of one per cent—*L.* 1823, p. 142; *L.* 1824-5, pp. 22, 75. *L.* 1834-5, pp. 204, 214; *L.* 1836-7, p. 50; *L.* Sp. Sess. 1837, pp. 17, 102.

One per cent—*L.* 1819, p. 249; *L.* 1834-5, p. 210; *L.* Sp. Sess. 1837, pp. 31, 96.

One and one-half per cent—*L.* 1824-5, p. 72.

Two per cent—*L.* 1819, pp. 48, 259, 305; *L.* 1820-21, p. 160.

Three per cent—*L.* 1819, p. 368; *L.* 1820-21, p. 176.

Four per cent—*L.* Sp. Sess. 1837, p. 94 (Springfield).

[87]*L.* 1820-21, p. 39.

[88]*L.* Sp. Sess. 1837, p. 17.

[89]*Cf. L.* 1836-37, p. 50.

cation special inducements were frequently offered. Towns would sometimes submit to special taxation to raise money for donations to the counties. Thus in 1837, Beardstown was given power to collect a six per cent tax on all real estate in the town for the purpose of raising a sum of ten thousand dollars to secure the county seat of Cass County.[90]

The municipalities had other sources of revenue, such as those from special assessments and from licenses, but undoubtedly the major portion of their income was from the taxes authorized by acts like those referred to above. These taxes, although not strictly general property taxes, were for the most part similar to them in their nature; and even before the end of the period there were a few cases of what might in a strict sense, be called general property taxes.

Summary.

Thus the years between 1809 and 1838 formed a period of considerable legislative activity. The general system carried over from the Territory of Indiana had first to be adjusted to the more primitive conditions existing in the Territory of Illinois; and then, as the state grew, particular problems had to be met as they arose. The property subject to taxation changed very little, due, of course, to the fact that from the beginning practically all property was taxed and that the forms of property did not change materially during those years. Since the chief form of wealth was land, the land tax was the backbone of the revenue system. What little personal property was in the state was made subject to taxation, the local communities depending entirely upon the income from this class of property during the early years. The land tax was shared by the state with the local communities in varying proportions, after 1819 the local communities taking a larger and larger part until they finally were receiving two-thirds of the revenue from the general land tax.

Compared with those levied today, the rates during this period were very low, although at the end of the period

[90] *L.* Sp. Sess. 1837, p. 95.

they were considerably higher than they had been at the beginning. Had they been very high, such assessment methods as those used would probably have been impossible, in spite of the ease with which the predominating type of property loaned itself to assessment.

Frequent changes were made in the details of assessment and collection. It is true that the general scheme of valuing lands by grouping them roughly into classes according to quality persisted throughout this period; but the composition of the groups was changed a number of times. The assessments were made both with and without the aid of oath requirements. Part of the time very heavy penalties were prescribed for fraud in listing property for taxation; and, again, for a time there were no penalties at all in such cases. Changes were also frequently made in the regulation for redeeming property sold to enforce collection.

The condition of affairs as a whole during this period can best be described by saying that, although the principle of the general property tax was prescribed in the state constitution drawn up in 1818, the period was primarily one of experimentation. The system was adjusting itself; the details were not fixed; plans were being tried out and discarded. Much of the action was haphazard; it was mere groping. Fortunately the economic and fiscal conditions were such as to make possible this formative period; the experiments were not too expensive. Had the responsibilities and strains, which came a few years later, been laid upon the financial system at this time, without the opportunity for experimental legislation and for observation of the weak points of the system in vogue, the results could scarcely have been other than disastrous.

CHAPTER IV.

Efficiency of the Tax System

Fiscal Results

In the vault in the office of the state treasurer in the capitol at Springfield is carefully preserved a plain, wooden box, scarcely more than a foot long; this box is the receptacle in which the state funds were kept during the early years of the state's history. As it rests today, tucked away on one of the shelves in the massive vault which has succeeded it, an interesting contrast is presented of the importance of the financial affairs of the state at that time and at present. For the amounts involved in the early financial transactions were indeed trifling. Exact statistics, are, in some cases, hard to obtain. Thus the sums raised by taxation for local purposes are almost entirely wanting for the years before 1838;[1] and it is only after 1820 that complete statistics are available for the receipts from taxation for state purposes. However, some fragmentary information exists concerning the total revenues of the state from all sources for earlier years. For example, it is known that the total amount expended from the state treasury

[1]According to the reports of the state auditor and treasurer, the following amounts were transmitted to the counties as their share in the non-resident land tax. They were entitled to share in this tax by a law which was in force for two years, 1821 to 1823.

Jan. 1, 1823 to Nov. 30, 1824	$ 808.12
Two years ending Nov. 30, 1826	1,617.96
Two years ending Nov. 30, 1828	358.13

From special reports made by the auditor at the request of the legislature in 1835, it appears that the revenue to the counties from the land tax in 1835 to $26,451.49. (*S. J.*, 9 G. A., 2 Sess., p. 64.) An estimate of $31,374.89 is made of the probable income of the counties from this source in 1836. These statistics do not include the taxes which may have been levied on personal property for county purposes.

during the six years that Illinois was organized as a territory of the second grade, December 31, 1812, to December 31, 1818, was approximately twenty thousand dollars, an amusingly small sum compared with present day budgets.[2] This figure represents fairly accurately the amount received by the territorial government from taxation. For the territory, it will be recalled, had no sources of revenue of any consequence aside from the tax and there was no money in the treasury at the end of the year 1818 when the report was made.

If the above estimate is correct for the territorial period, the amounts received from taxes in the late years of that period were very much larger than those received in the earlier years. For it is known, from a report made to the first territorial legislature, that during the one year, from December 1, 1817 to December 1, 1818, the territorial revenue from taxation amounted to $9,528.05,[3] leaving only about $10,500 to be raised during the other five years.[4]

The size of the budgets, however, began to increase sharply as soon as the territory was admitted to the Union in 1818. During the first two years as a state, money was

[2]A report to the House of Representatives in 1819 puts the figure at $20,415.79. But the old revenue and warrant ledger in the vault of the state auditor at Springfield states that this amount was only $19,982.36 Whatever may be the explanation of this discrepancy, the total amount was approximately twenty thousand dollars. *H. J.*, 1 G. A., 2 Sess., p. 30; Revenue and Warrant Ledger, Class 3, I, 32.

[3]*H. J.*, 1 G. A., 2 Sess., p. 30.

[4]Reynolds (*My Own Times*, p. 105) says that the taxes imposed from November 1, 1811 to November 8, 1814 amounted to $4,875.47. "Of this sum," he says, "$2,516.89 had been paid into the treasury and $2,378.47 remained in the hands of the delinquent sheriffs to be paid over." The two items, added together, do not make the sum mentioned first.

Moses, (*Illinois*, I, 266) says that the total amount of revenue from November 1, 1812 to November 1, 1814 was $4,875, of which $2,516 was collected and $2,359 remained uncollected in the hands of the sheriffs. Neither Reynolds nor Moses gives exact references to his sources. Moses's statement that the state treasurer received $1,508 in 1817 and $2,471 in 1818 is at variance both with the reports to the assembly and with the books of the state auditor.

paid out of the treasury to the amount of $52,809.70.[5] There was also a cash balance left in the treasury, on January 1, 1821 of $17,720.13. This would seem to indicate that for two years the entire receipts at the treasury, almost all of which probably came from taxation, were $70,529.83.

After 1820 the regular reports of the state auditor give precise information concerning the receipts of the state treasury from all sources, including the various types of taxation. The receipts from the tax on property for the period are shown in Table 1:[6]

TABLE I. RECEIPTS INTO THE STATE TREASURY FROM THE TAX ON PROPERTY, 1820-1838.

Jan. 1, 1821, to Dec. 27, 1822	$45,803.75
Jan. 1, 1823, to Nov. 30, 1824	78,942.20
Two years ending Nov. 30, 1826	93,011.22
" " " " " 1828	90,110.25
" " " " " 1830	73,444.88
" " " " " 1832	95,001.56
" " " " " 1834	76,863.94
" " " " " 1836	84,399.37
Dec. 3, 1836 to Nov. 30, 1838	92,365.20

These figures represent the state's share in the receipts from the tax on property. This revenue came almost entirely from the land tax, the only exception being in the first figure where a small part of the $45,803.75 came from the tax on bank stock. All the tax on other personal property went to the counties. Moreover, during the early years, most of the money received by the state came from a tax on the land of non-resident proprietors; for not only was the larger share of the tax paying land owned by persons living outside the state, but after 1823 the counties retained two-thirds of the revenue from the land of residents, only the remaining one-third going to the state. The taxable land of non-residents consisted largely of claims

[5]Revenue and Warrant Ledger, Class 3, I, 32. This indicates that the statement of Moses, (I, 306) is inaccurate. He says that the receipts from October 18, 1818 to December 31, 1820 were $53,362.22 and the expenditures $35,655.00.

[6]Compiled from the reports of the auditor of public accounts.

in the military tract which had been bought up by speculators from the original grantees.[7] Congress had appropriated about three million acres of this land as bounties for military service. As Governor Coles pointed out in a letter to the governor of Maryland,[8] this policy had the effect of greatly increasing the non-resident list, for much government land was made taxable which otherwise would have remained exempt as property of the United States.[9] The temporary advantage coming in the way of increased revenues from this source was largely counterbalanced, however, by the fact that the settlement of that part of the state where the land was situated was somewhat retarded by this form of ownership.

The sums received at the state treasury from the non-resident tax and the percentage which they formed of the total receipts from the state tax on property are shown in Table 2:

TABLE 2. RECEIPTS INTO THE STATE TREASURY FROM THE TAX ON THE PROPERTY OF NON-RESIDENTS AND THE PERCENTAGE FORMED BY THEM OF THE TOTAL RECEIPTS FROM THE PROPERTY TAX, 1820-1838.

		Percentage
Jan. 1, 1821, to Dec. 22, 1822	$38,437.75	83.9
Jan. 1, 1823, to Nov. 30, 1824	72,639.48	92.
Two years ending Nov. 30, 1826	82,569.54	88.8
" " " " " 1828	83,176.28	92.3
" " " " " 1830	70,396.16	95.8
" " " " " 1832	88,218.32	92.9
" " " " " 1834	42,208.41	55.
" " " " " 1836	8,172.67	9.7
Dec. 3, 1836, to Nov. 30, 1838	13,484.69	14.6

The most striking condition revealed in this statement is the rapid fall in the non-resident receipts after 1832. Aside from the steady transfer of the ownership of land from non-residents to residents, another cause may be responsible for this, namely, the hard times of the thirties, which undoubtedly bore heavily on many persons holding

[7] Ford, *Hist. of Ill.* p. 48.

[8] *Ill. Hist. Coll.*, IV, 45 *et seq.*

[9] For conditions under which bounty lands became taxable, see *supra*, p. 30.

land as a speculation, causing them to lapse in their taxes. The item in the auditor's report called receipts from "revenue clerks" shows a large increase as the receipts from non-residents diminish. These "revenue clerks" were the clerks of the county commissioners, to whom in 1833 was assigned the task of selling the land of delinquent non-residents. It is probable that most of the receipts from "revenue clerks" were sums realized from sales for non-payment of taxes. It may be, however, that by some administrative order, unsanctioned by formal legislative action, the county clerks were made receivers of state taxes on non-residents' lands. The sums received by the state treasurer from the revenue clerks during this period were:

Two years ending Nov. 30, 1834	$13,158.72
" " " " " 1836	45,748.63
From Dec. 3, 1836, to Nov. 30, 1838	70,015.70

Table 3 shows the ordinary income of the state by two year periods and the percentage of these sums which came from the property tax.[10]

TABLE 3. TOTAL ORDINARY RECEIPTS INTO THE STATE TREASURY AND THE PERCENTAGE FORMED BY THE RECEIPTS FROM THE PROPERTY TAX, 1820-1838.

		Percentage
Jan. 1, 1821, to Dec. 22, 1822	$62,226.70	73.6
Jan. 1, 1823, to Nov. 30, 1824	86,586.93	91.2
Two years ending Nov. 30, 1826	93,880.07	99.1
" " " " " 1828	96,106.94	93.8
" " " " " 1830	87,145.08	84.3
" " " " " 1832	106,498.09	89.2
" " " " " 1834	103,534.28	74.3
" " " " " 1836	110,310.62	76.5
Dec. 3, 1836, to Nov. 30, 1838	158,086.78	58.4

In order to show with what degree of adequacy the revenue from taxation met the needs of the state, it may

[10]The figures in this table do not include the items of "State paper funded and interest on the same," which were receipts into the treasury of securities taken up by sums secured chiefly from the "Wiggins Loan," (*Cf. supra*, p. 33.) These amounts were, 1830-32, $105,987; 1832-34, $3,790; 1834-36, $217. Moreover, the figures do not include receipts from loans. The decreasing percentage finds at least a partial explanation in the increased receipts from the school funds.

be of value to examine the general condition of the state treasury during these years. Owing to the carelessness with which the accounts were kept, it is not possible to give a perfectly balanced account of the state finances; not only are there gaps between the reports, but there are also gross inaccuracies in the record of warrants drawn on the treasury, as a result of which the statements of outstanding warrants given in the reports are seldom trustworthy. Table 4 presents the receipts and expenditures together with the balances, as nearly as can be ascertained, against or in favor of the treasury, at the end of each biennium during the period.

TABLE 4. TOTAL RECEIPTS AND EXPENDITURES OF THE STATE TREASURY, 1818-1838

	Receipts	Expenditures	Balance
Period ending Oct. 1, 1818			$—7,588.00
Period ending Jan. 1, 1821			17,720.13
Jan. 1, 1821, to Dec. 27, 1822	62,226.70	$ 47,145.29	32,801.54*a*
Jan. 1, 1823, to Nov. 30, 1824	86,586.93	90,793.73	29,454.31
Two years ending Nov. 30, 1826	93,880.07*b*	156,259.42	—34,015.62
" " " " " 1828	96,106.94*b*	108,090.96	—45,999.64
" " " Dec. 1, 1830	109,132.26*b*	70,528.48	— 7,395.86
" " " " " 1832	312,885.07*c*	329,762.14*d*	—24,272.93
" " " " " 1834	141,627.33	148,083.14	—30,728.74
" " " Nov. 30, 1836	248,624.75	163,016.50	54,879.51
Dec. 3, 1836, to Dec. 1, 1838	780,055.92*e*	824,564.88	20,233.77

(*a*) Each succeeding treasurer and auditor during these early years seems to have assumed the right to make his own estimate of the amounts outstanding against the treasury. The figures in the "balance" column must be used with this in mind. The discrepancies of 1824 and 1836 find their explanation in this fact. A gap between reports is responsible for the discrepancy of 1822. The figures for 1820-1822 do not include the receipt of $5,955.82 from the United States treasury or the expenditure of $150.94, the cost of transferring the sum.

(*b*) Not including redemption fund.

(*c*) Includes $100,000 from the "Wiggins Loan" and $105,986.98 in discharged state paper.

(*d*) Includes $215,968.66 in state paper redeemed and burned.

(*e*) Includes $144,049.96 borrowed from School Fund, but does not include the $335,592.32 appropriated to the School Fund and then borrowed from it. It does include the item of $477,919.14, surplus revenue, received from the United States government.

Just as the territory was about to become a state, October 1, 1818, the auditor reported an unpaid balance of $7,588, showing that territorial revenues had not quite sufficed to pay expenses.[11] The revenues for the following two years proved ample not only to meet this deficit and the current expenses of those two years, but also to leave a favorable balance of $17,720.13. For the next four years the finances of the state remained in very comfortable condition. In 1825 and 1826, however, the harmful effects of the state bank began to make themselves felt. Yet had there been no depreciation in the bank notes, there would have been no deficit; for the sums received were nominally much in excess of the expenses. Governor Coles, in his farewell message, said: "The annual revenue derived from a tax on land amounts to upwards of $45,000, while the average annual expenditure of the state, on the supposition that there will be no extra session of the legislature, will not exceed $23,000 in specie."[12]

He went so far as to recommend a twenty-five per cent reduction in the taxes levied

under the firm conviction that three-fourths of our present nominal revenue will be amply sufficient to defray the ordinary expenses of government and leave an excess to be annually increasing as well from the additional quantity of lands subject to taxation as the appreciation of the currency, to be applied to the great and vital objects of education and internal improvements.[13]

However, the 1826 deficit of $34,015.62 increased to $45,999.64 by 1828. At the end of the next two year period, 1830, it had dropped to $7,395.86 but at this time, provision being made for the redemption of the notes of the state bank, the treasury was really well along toward recovery.[14] From 1834 until the very end of the period, the treasury was not embarrassed. In 1834, according to Governor Ford, "The treasury of the state for once had become sol-

[11] *H. J.*, 1 G. A., 1 Sess., p. 35.

[12] *S. J.*, 5 G. A., 1 Sess., p. 24.

[13] *Ibid.*, p. 25.

[14] "The finances of the state are fast emerging from that deranged and depressed condition into which they had fallen a few years since, and are now assuming a sound and substantial character." Governor's Message, December 4, 1832, *S. J.*, 8 G. A., 1 Sess., p. 12.

vent, paying all demands in cash."[15] Governor Duncan in his message of 1836 wrote: "The public revenue of the state is believed to be ample for all the ordinary expenses of government."[16] However, the treasurer's balance sheet during the later years of this period was made to appear to much better advantage through a somewhat questionable method by which the money received from the United States for schools was turned into the General Revenue Fund for general expenses. Instead of levying taxes to secure revenue to meet appropriations, the legislators, afraid, as some have charged, of the wrath of their constituents, voted to use for ordinary expenses the money in the School Fund, obtained from the sale of school lands and other sources. This arrangement was technically designated a loan and interest on the sum borrowed was regularly appropriated for the use of the schools of the state. But the principal was never repaid and the appropriations for schools, always larger than the interest on the sum, have gradually swallowed it up. In his message to the legislature in 1838 Governor Duncan states that the debt to the School Fund amounted at that time to $719,784.61.[17] This included an item of $335,592.32 which was part of the surplus revenue received from the United States government, appropriated to the School Fund and then borrowed to purchase bank stock. Had it not been for this extra source of revenue the receipts into the treasury at this partiuclar time would have been altogether inadequate.[18]

"Here we have now *no* taxes, excepting those which are raised on the principle of our country rates, and they are scarcely perceptible," gleefully writes Morris Birkbeck in 1818 to his friends left behind in England.[19] But not many of Birkbeck's Illinois neighbors had his memories of heavy English taxes to compare with the rates which they

[15]Ford, *op. cit.*, p. 169.
[16]*S. J.*, 10 G. A., 1 Sess., p. 20.
[17]*S. J.*, 11 G. A., 1 Sess., p. 13; Peck, *Gazetteer*, p. 65.
[18]*S. J.*, 11 G. A., 1 Sess., p. 13.
[19]*Letters from Illinois* (London, 1818), p. 41.

were called upon to pay. They compared them quite naturally with the rates imposed in the states surrounding them; and on this basis, at least after the admission of the territory into the Union, they found cause for bitter complaint in rates of taxation in Illinois. The situation was so complicated by the currency disorders that the true state of affairs is difficult to discern. In 1826, Governor Coles observed: "The rate of taxation is nominally higher in Illinois than in the neighboring states, and if continued will operate injuriously to the prosperity of the state." As the currency rose in value he considered it proper that the taxes should be lowered.[20] Nothing was done toward lowering them. Again in 1829 Governor Edwards mentioned the oppressive rates of taxation, pointing out that the people of the state were "already taxed to an extent unparralled (*sic*) in any western state, and precisely eight times as high as their brethren of an adjoining one (Kentucky)."[21] The non-resident proprietors of lands seemed to feel that the rates were very heavy,[22] and Governor Reynolds in 1831 and 1832 urged a reduction of the tax rate on the ground that it was "excessively high" and oppressive to the people."[23]

The sale of property for taxes is good evidence of the oppressiveness of the burden; and the facts at hand seem to show that an unusually large portion of taxable property was sold under the sheriff's hammer during the later part of this period. If the sums credited to "revenue clerks" in the auditors' reports represent receipts from tax sales,

[20] *S. J.*, 5 G. A., 1 Sess., p. 24.

[21] *Ill. Hist. Coll.*, IV, 148; Governor's Message, *S. J.*, 6 G. A., 1 Sess., n. p.

[22] Governor Coles requested James Mason to inquire of some of the non-resident landholders of New York City concerning their willingness to lend financial support to the Illinois and Michigan Canal project. Writing to Gov. Coles in 1826 concerning his conference, Mr. Mason said: "I also had a conference with Mr. Benior and Mr. Munn who are two of the largest holders of military bounty lands in the city, but their reply was that they were very anxious to have a canal made but that they could not do more at present than to pay the high taxes we had imposed on their land." *Ill. Hist. Coll.*, IV, 107.

[23] *S. J.*, 7 G. A., I Sess., p. 62.

these sales were indeed very large.[24] Peck testified concerning the military bounty lands, that "many thousand quarter sections" were "sold by the state for taxes and are past redemption."[25] It was reported in *Niles Register* that as many as seven thousand tracts of these bounty lands were advertised for sale for taxes at one time.[26] But high as the rates seem to have been, compared with those of states in a like economic condition, and oppressive as they were considered both by the settlers and the non-resident landowners, efforts to reduce the rates were uniformly unsuccessful.[27]

If one were to generalize concerning the success of the tax system during these years from a fiscal point of view he would necessarily conclude that it accomplished measurably well the task which was assigned to it. The deficit left from the territorial period was not large and until the complications due to the banking disaster arose, the condition of the treasury remained satisfactory. It must be kept in mind that the tax system was in no way responsible for the state bank. A severe test of the efficiency of the system was averted during the thirties by the practice of borrowing from the school funds, the aid from these sources averting the necessity for heavier taxation. The rates, at least after 1820, seem to have been higher than those in neighboring states; but it is difficult to determine exactly how just were the complaints so generally made.

Administrative Results.

The success from an administrative point of view is a different story. The task of assessing and collecting the tax was not an easy one. In the first place the frontier conditions which prevailed were themselves sources of many difficulties. The poor means of transportation meant numberless delays in transmitting money to the state treas-

[24] *Cf. supra*, p. 63.
[25] Peck, *op. cit.*, p. 81.
[26] *Niles Register*, XXIX, 165, Nov. 12, 1825.
[27] *Cf. supra*, p. 67.

ury.[28] The frequent changes in county lines due to the sub-division of large counties into smaller ones were prolific causes of misunderstanding as to the duty of tax officials.[29] But perhaps nothing was so productive of administrative difficulties as the disordered condition of the currency. Money was always either scarce or bad. As Governor Edwards pointed out in his message of 1826, "In nothing can the want of an adequate circulating medium be more inconveniently felt than in the payment of taxes."[30] Even the session laws contain evidence of the troubles due to this cause.[31] After the establishment of the state bank in 1821, its notes were receivable at the state treasury for taxes.[32] The inequality in the value of the various kinds of money in circulation, combined with the fact that many unpaid auditor's warrants were in existence during almost the entire period, presented an opportunity to sheriffs to manipulate their collections so as to turn them into the treasury in the cheapest acceptable form. Sheriffs took advantage of this situation to such an extent that laws forbidding the practice were[33] passed. The frequency with which laws were changed and the carelessness with which they were drawn formed further obstacles to efficient administra-

[28] *Cf. L.* 1819, p. 239.

[29] *Cf. L.* 1824-25, p. 85.

[30] *S. J.*, 5 G. A., 1 Sess., p. 47.

[31] For example, in 1819 (*L.* 1819, p. 300) the sheriff of Union County was relieved of the penalty for delay in paying in his taxes, owing to the fact, as he explained, that the description of money required was "scarce and very difficult to procure." At this time the taxes had to be paid in money which was receivable at the United States land offices in payment of government land. Bank notes in circulation varied so widely in short periods that they sometimes caused trouble to collectors; those good one month were often bad the next. Thus relief was given to a sheriff in 1819 (*L.* 1819, p. 235) because, although he had collected the taxes in lawful money, he found that by the time he came to turn over his taxes some of the bank notes were no longer receivable at the government land offices, and were therefore refused by the state treasurer.

[32] *L.* 1823, p. 208; *L.* 1827, p. 335.

[33] *S. J.*, 5 G. A., 1 Sess., pp. 25, 74; *R. L.* 1826-27, p. 325 *et seq.*

tion.[34] Officials were often uncertain as to exactly what laws were in force.[35]

From the evidence available, it would seem that the state and local officials whose duty it was to administer the tax system were remarkable neither for their ability nor for their character. During these years two state treasurers were found to be short in their accounts, Treasurer Field having defaulted, according to a report dated Nov. 30, 1828, to the amount of $19,491.70, and Treasurer Hall, on December 1, 1832, for $4,503.72. Subsequently $5,500.06 was received from Field and his securities and $2,922.16 from the estate of Hall in part payment of their shortages.[36]

From the following quotation Governor Edwards seems to have entertained no flattering opinion of the efficiency with which the revenue system was administered:[37]

> From the complexity of our revenue system, and the confusion that reigns in the accounting department, it is not thought possible, by any lights which the accounts of the latter will afford, to ascertain the amount of those (taxes) that were demandable, even, for the past year: Since, without any effort to discover the extent of that confusion, it has become notorious, throughout the state, that, while many persons have been charged in the Auditor's books for lands, that did not belong to them; and our own citizens with taxes, which either had been previously paid, or were payable to Sheriffs' or County Collectors, other tracts of land owing taxes have neither been charged by him, nor included in the lists he was required to transmit to the several counties in which the taxes on them were collectable.

[34]Ford, *op. cit.*, p. 32.

[35]In 1817, in several of the counties no tax was collected because of difficulties which arose over unclear changes in the law. *L.* 1817-18, pp. 51-52. In 1821 it was discovered that no provision had been made in the revenue law for the compensation of the sheriffs for collecting the taxes in 1819 and 1820. But this legislature contended itself with simply voting the sheriffs their compensation (*L.* 1820-21, pp. 4-6), and failed to remedy the matter permanently by changing the revenue law. As a result it was found presently that no compensation had been allowed for the sheriffs in 1821-22 and further action was necessary. (*L.* 1823, p. 80).

[36]Reports of auditor and treasurer; *Pr. L.* 1832-33, p. 123. Moreover, the governors' letter-books show that Gov. Edwards appeared to have considerable difficulty with the auditor in securing reports from him in regard to the affairs of his office. *Ill. Hist. Coll.* IV, p. 118 *et seq.*

[37]*S. J.*, 5 G. A., 1 Sess., p. 49.

Moreover, from the same message of Governor Edwards,[38] it is evident that some of the state officials had been using their positions to benefit from the sales of land for taxes.

Evidences of corruption and inefficiency among local officials are even more manifest in the records than is the case with state officials. Early experience with county sheriffs led to the inclusion in the state constitution of the following clause: "No sheriff, nor collector of public moneys, shall be eligible to any office in the state, until they have paid over according to law, all moneys which they may have collected by virtue of their respective offices."[39] Records of several instances where sheriffs ran away with public money were found in the course of an examination of the session laws.[40]

Governor Ford gives a description of some of the practices of these early sheriffs which is very illuminating to one who seeks a view of the administrative conditions of the period:

> During all this time, from 1818 to 1830, a very large number of sheriffs elected by the people were defaulters to the State or to counties for taxes, or to individuals for money collected on execution The practice was to take the moneys collected on execution and with them to pay up for taxes, for without getting certificates of all moneys charged to them for taxes, the sheriffs were not allowed to be commissioned when re-elected. The people generally felt but little interest in the collection of moneys for debt, and paying it over, so that a defalcation here was not apt to injure the popularity of an officer, who would tend [probably lend] the people money to pay their taxes, and who was compelled by his official duty to be constantly around among them, giving him ample opportunity to make friends, contradict charges, and thus secure his election.[41]

[38] *Ibid.* p. 74.

[39] *R. L.* 1833, p. 47. *Cf. L.* 1819, p. 109 and *R. L.* 1826-27, p. 374. The letters of the governors show that a provision of this sort was needed and that an earnest attempt was made to enforce it. *Ill. Hist. Coll.*, IV., p. 15.

[40] Those who had acted as securities for the sheriff of Gallatin County in 1824-25 were forced to make good short-comings of that official. *Pr. L.* 1832-33, p. 120. A law passed in 1821 makes it evident that the sheriff of Jefferson County had absconded (*L.* 1820-21, p. 29), the act making provision for the election of his successor.

[41] Ford, *op. cit.*, p. 82. A law passed in 1827, (*R. L.* 1826-27, p. 372), contains a provision which permits those who have advanced money for

In view of all these difficulties it is not surprising that the administrative machinery should run with a great deal of friction. The session laws of every legislature are full of evidence that such was the case. Taxes were not collected on time; tax officials were not appointed at the times required by law; assessments were made too early or too late. Indeed, the machinery seems to have been stalled at one time or another in about every place where trouble could have occurred.

Even as early as 1809, when Illinois was first organized as a territory, there were already irregularities in the tax collections. It appears from a law passed in that year that the former sheriff of Randolph County had "neglected to collect all the county levies."[42] He was given six months to collect what was due him. In this same year it was necessary to allow extra time for assessment purposes in Randolph County.[43]

Striking evidence of the inefficiency of the administration is furnished by the high percentage of the taxes which were never collected. The extracts from Moses and Reynolds, quoted in the note on page 60, agree that almost half of the taxes due were not collected in the early years of the territorial period. In 1813, in two counties, the assessors were not appointed until after the time when the returns of the assessment lists should have been made. In one county no assessors were appointed at all, and in another county, for no assigned reason, the assessment was not made.[44] Laws passed in 1816 extended the time for the collection of the taxes in two counties, because of tardiness on the part of the assessors in preparing the tax list, and the time was extended in one county because the tax list had been refused by the commissioner's court on the ground that it had been made out prior to the time specified by

any tax payer to make collections after the expiration of their terms of office. Thus at least part of the practice which Ford describes was recognized by the legislature.

[42]*L.* Terr. *Ill.*, p. 5.

[43]*Ibid.*, p. 11.

[44]Act Approved Dec. 1, 1813. Manuscript in office of secretary of state.

law.[45] In 1819 it developed that in one county no taxes had been collected for the preceding three years.[46] In another county the taxes for 1818 remained uncollected[47], on account of the neglect of the county court to levy the taxes in accordance with the provisions of the law.[48] In 1821, in 1823, and indeed at practically every session thereafter, it was necessary to pass acts extending the time limit for paying over the taxes.[49] As late as 1835 the taxes for 1833 had not been collected in Fulton county, and those for 1829 had not been collected in St. Clair county.[50] Irregularities in assessment are also apparent from numerous laws.[51]

Thus it appears that it was in spite of crudely drawn statutes and loose administrative methods that the general property tax in Illinois reached the degree of financial success which it attained. The chief explanation of its measure of success is to be found in the simplicity of the economic situation. Practically all the property worth taxing was tangible, and unconcealable. Part of the explanation is doubtless the lightness of the tax; for in spite of the complaints of contemporaries the rates were quite low, compared with present-day standards. Certainly the examination of this early period reveals little that would be of comfort to those who feel that the general property tax was until very recently an unqualified success. Even when the great modern problem of intangible property was not present to complicate the situation, the early history of Illinois furnishes no picture of a general property tax operating efficiently and economically. Even under simple conditions, the tax system was far from ideal.

[45] *L.* 1815-16, pp. 21, 30.

[46] *L.* 1819, pp. 168, 266.

[47] *Ibid.*, p. 164.

[48] *S. J.*, 1 G. A., 2 Sess., p. 25.

[49] *L.* 1820-21, p. 19; *L.* 1824-25, p. 172; *L.* 1826, p. 58; *R. L.* 1826-27, p. 338; *L.* 1834-35, p. 72; *L.* 1836-37, p. 323.

[50] *L.* 1834-35, pp. 38, 60.

[51] *L.* 1824-25, p. 80; *R. L.* 1826-27, p. 338.

C. THE DEBT-PAYMENT PERIOD, 1839-1872.

CHAPTER V

Taxation for Debt Payment, 1839-1848

The State Debt and the Tax Problem.

The key to the development of taxation in Illinois during the middle decades of the century is the state debt. The story of the creation of this debt and of the struggle of the state to rid itself of it is as interesting as it is important. During the late thirties, the years of debt formation, the course of events moved with startling rapidity. A commonwealth which in 1835 was young and poor but nevertheless respectable, suddenly developed an imagination, a daring and a recklessness in spending borrowed money which in a few years worked its almost complete ruin. In 1842, Illinois was a discredited state. Every project which she had undertaken had gone to pieces. An enormous load of interest-bearing indebtedness remained as almost the sole evidence of the millions she had squandered.

The action during the years following does not move so rapidly; they were the years of debt payment—years when every dollar which came to the state treasury found not one but a thousand claims crying for settlement. The young state had lived beyond her means; her debts greatly exceeded her assets. It was a serious question whether even at a more mature age she would develop enough economic strength to pay her obligations; some thought not. How far her growing strength might be levied upon by taxation was the vital question which had to be answered. During the trying years of the forties the solution was

worked out. The burden which appeared overwhelming to the state at twenty-three years of age seemed not unreasonable during the late fifties and became a mere trifle toward the end of the period.

The financial troubles of Illinois were due to banking and internal improvement schemes. The actual loss due to the banking ventures was inconsiderable compared with that attributable to internal improvements. This was not because the banking investment was a wise one, but rather because the state was fortunate in the settlement with the banks. Of the internal improvement schemes, the Illinois and Michigan Canal, although a great financial problem for a time, finally worked out its own salvation. Thus the great "Scheme of Internal Improvements" must be held responsible for the bulk of the debt.

Because of the incompleteness of the records and other reasons, the estimates of the state debt given in various places vary to an astonishing degree. In the following statement an attempt is made to summarize the verifiable facts as to the extent of the indebtedness in the early forties before the resumption of interest payments.[1]

(1) The banking liabilities of the state before the settlement were (a) $2,665,000 in state bonds issued to the bank for stock, some of which were sold on the market and some not; (b) $335,592.32, borrowed from the School Fund and paid on bank stock; (c) losses through depreciated bank paper received for taxes after the banks had suspended specie payments—losses which cannot be accurately estimated; and (d) a possible claim for $100,000 paid for state bank stock, depending on the source from which the money came. A minimum estimate would be $2,665,000, not considering the money borrowed from the School Fund a debt and disregarding all paper money losses. A maxi-

[1]Lack of space makes it impossible to give in this place a full statement of the creation of the state debt and of the basis on which the estimate given here is based. If present plans carry, the data will be published soon in separate form.

mum which would cover all possible liabilities on account of the banks would be $3,300,000.

(2) The canal liabilities were (a) bonded indebtedness estimated in reports when the trustees took charge at $5,383,000, including the Wright and Company bonds and therefore rightfully subject to a reduction of $722,000; (b) miscellaneous indebtedness, including scrip, orders on the commissioners etc., to the amount of $1,084,449; (c) interest charges amounting to about a half-million dollars in 1842; (d) claims for damages to the extent of at least $230,000; and (e) a share of the bonds lost through hypothecation for interest prior to January 1, 1842, either $150,000 or $400,000, according as the sum actually lost or that of outstanding securities is taken as the basis of estimate. Therefore $6,625,449 would be a very conservative estimate and $8,000,000 a liberal one.

(3) The liabilities on account of the General System of Internal Improvements consisted of (a) the bonded debt, $5,085,444 in 1842, but properly subject to a million dollar reduction because of the Wright and Company bonds; (b) scrip issued in 1840 and 1841, $1,424,585;[2] (c) interest due January 1, 1842, approximately $250,000; (d) a share of the bonds hypothecated for interest (see 2 e above), $150,000 to $400,000. A minimum of about $5,909,829 is thus arrived at; $7,500,000 may be taken as a maximum.

(4) The bonds issued to build the state house amounted to $128,000.

(5) Unpaid auditor's warrants and overdrafts on December 1, 1842, amounted to $272,094.43.

(6) As a part of a maximum estimate of the state's liability the $477,919.14 surplus revenue received from the federal government might be included.

(7) The borrowings from the school funds might, likewise, be included in the maximum. In 1842 these amounted to $808,084.18.

[2] *Reports*, 22 General Assembly, 1861, p. 414.

The estimates then stand as shown in Table 5.

TABLE 5.
ESTIMATES OF THE STATE DEBT AT THE TIME OF THE SUSPENSION OF SPECIE PAYMENTS.

	Minimum.	Maximum.
(1) Banks	$2,665,000	$3,300,000
(2) Canal	6,625,000	8,000,000
(3) Internal Improvements	5,909,829	7,500,000
(4) State House	128,000	128,000
(5) Unpaid Warrants and Overdrafts	272,094	272,094
(6) Surplus Revenue		477,919
(7) School Funds		808,084
Totals	$15,599,923	$20,486,097

Thus the state debt was somewhere between fifteen and a half and twenty and a half millions; in the opinion of the writer, probably nearer the second than the first figure.

The magnitude of the financial problem of Illinois in the early forties is difficult to comprehend. It is only when one reads the contemporary documents—the reports of the state officials, the messages of the governors, the reports of the legislative committees and the frantic press letters of the citizens and investors—that the gravity of the situation is understood. A considerable part of the total liability of the state was cancelled by means of favorable settlements with the banks and with the canal interests. A few additional assets of varying degrees of worthlessness were available; but after the fluster was over and the dust had settled, the people had to face the necessity of raising large sums of money year after year by disagreeable methods of taxation.[3] The means by which the state

[3]Such resources included "two mill seats on the Wabash River; fifty-five miles of finished railroad; various commencements of other railroads; railroad iron;" lands acquired in connection with the internal improvement enterprises (42,291.65 acres); lands selected under the act of Congress of September 4, 1841 (209,060.05 acres); and sums of money due the state ($730,500). *Senate Journal*, 13 G. A., 1 Sess., pp. 12, 37; *Auditor's Report*, 1850, p. 20. The fifty-five miles of railroad referred to extended from Springfield to the Illinois River, and had cost about

taxed itself back to financial respectability are now to be reviewed.

It will be recalled that the primitive form of the general property tax persisted until the late thirties, land being valued by classification into rough groups,[4] and the state sharing the proceeds with the counties. Under the arrangement in force in 1838, the state received all the taxes on the land belonging to non-residents. It will also be remembered that, during the late years of the early period, the solvency of the treasury was preserved by generous borrowings from trust funds. Under the system in force the state's share in the tax revenues grew proportionately smaller, for the land was passing more and more into the hands of residents; and yet the need for revenue was rapidly increasing. The School Fund could not continue indefinitely to play the rôle of the fairy godmother and the necessity presented itself of reforming the tax system so as to bring more revenue into the state treasury.[5]

Tax Law of 1839.

The tax system established in 1839 was in force when the exaggerated financial plans of the legislators tumbled down about their ears in the early forties. It must be remembered that it was not planned to meet extraordinary demands for revenue. At most it was to provide for current expenses. The internal improvement schemes and the banks were expected not only to take care of themselves but also to bring in a profit which would perhaps make taxation entirely unnecessary. Instead of this happy result, the tax system had to be relied upon during this period to bear the entire burden. Revamped somewhat it was called upon to meet the ordinary expenses of a rapidly developing commonwealth, and, in addition, to pay off a staggering debt.

one million dollars. In 1846 the governor recommended that it be offered for what the iron would bring. *Senate Reports,* 15 G. A., 1 Sess., p 133; *Ford, History of Illinois,* p. 189.

[4] *Supra,* pp. 41, 43.

[5] *S. J.,* 11 G. A., 1 Sess., p. 13.

The state auditor seems to have been the first official to point out that the land was getting into the hands of residents and that a change in the law was therefore necessary. "The period has arrived," he declared in December, 1838, "when an amendment to our revenue laws can be no longer postponed."[6] The governor in his message suggested a change in the rates, which he thought need not be great since the amount of taxable land was "rapidly increasing."[7] But, contended the auditor, the decrease of revenue from the non-resident tax would "counterbalance any accession" from lands becoming taxable for the first time.

However, the law which was passed in February, 1839, went far beyond a mere change in the rates. It swept away entirely the old system of rough classification as a means of valuing lands for taxation and specified that both land and personal property should "be valued according to the true value thereof." It broadened the definition of taxable property and narrowed the exemptions. It abandoned all distinctions between property taxable for local purposes and property taxable for state purposes, making the state and county rates apply to the same base. Specifically, the law declares that

all lands, tenements, and hereditaments, situated in this state, claimed by individuals, or bodies politic or corporate, except such lands as may be owned by societies or corporations for the purpose of burying ground, church grounds, and grounds for the use of literary institutions, not to exceed ten acres, whether by deed, entry, patent, grant, bond for conveyance, or otherwise, except lands belonging to the United States, or this state, and such other lands as are exempted from taxation by the terms of the compact between this state and the United States, are hereby declared subject to taxation; also the following personal property, *viz:* stud horses, asses, jinnies, mules, horses, mares, cattle, slaves, and servants of color, clocks, watches, carriages, wagons, carts, money actually loaned, stock in trade, and all other description of personal property, of the stock of incorporated companies; and so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession, the aforesaid property declared subject to taxation shall be valued according to the true value thereof, as hereinafter directed.[8]

[6] *S. J.*, 11 G. A., 1 Sess., p. 52.
[7] *Ibid.*, p. 13.
[8] *L.* 1838-39, p. 3 *et seq.*

It scarcely needs to be pointed out that in this law is found, at last, almost the purest type of the general property tax. It may be objected that instead of stating baldly that all property should be subject to taxation, the law specifies particular articles. But it will be noticed that included in the list of taxable articles is a comprehensive item taxing "all other description of personal property." Certainly this law makes something of a shift in the point of view; the tax is less a tax "on the thing" and more a tax "on the person."

One of the new items specified in the list of taxable property is that of "money actually loaned," the first instance of the taxation of credits in Illinois. No arrangement is supplied for deducting debts.

By making a departure from the older system of designating certain types of property as taxable for state purposes and certain other types for local purposes, an element of elasticity was introduced into the situation. Now the state could increase or decrease its revenue by the simple process of varying a single rate which would be extended on all property. Before, it was necessary to effect a general readjustment between local and state rates, or to redistribute taxable property between the localities and the state. The state rate was fixed in 1839 at twenty cents on each one hundred dollars of taxable property. For counties a maximum of fifty cents (one-half of one per cent) was established.

The change instituted in the basis of assessment by this same law makes very difficult any comparison of the new rates with those in force before. This much of a comparison is possible, however. Assuming that the land rated first class under the old arrangement had a fair cash value of four dollars per acre—the sum set in the early law to be the value of such first class land—the taxes under the old arrangement amounted to two dollars for one hundred acres, compared with a maximum of $2.80 under the new (county taxes, two dollars; state tax, eighty cents). The adoption of the new law resulted in an immediate aug-

mentation of the state revenues. The receipts from the property tax in 1836-38 were approximately $90,000; for the next biennium they amounted to over $125,000.

A few of the administrative features of the new law are also of interest. The tax officials, both assessors and collectors, were appointed by the county commissioners' courts.[9] The assessor was to be furnished annually with lists of lands;[10] he was then to call upon each property owner, value his land, and assess his personal property. He was authorized to require any person to swear to make "true and distinct answers" to all questions. If the person was not at home, the assessor made an estimate which stood unless complaint was made. Refusal to list rendered the person liable to an arbitrary assessment and a fifty dollar fine. In case of dissatisfaction, an appeal could be made to the county commissioner's court; no other review or equalization was provided. Collections were to be made by means of personal calls at the residences of property owners. Personal property was first to be seized for unpaid taxes, then real estate. The tax deed was to be given to the person offering to exact as penalty the least number of acres from the east side of the tract of land in question. The redemption period remained unchanged; land could be reclaimed within two years upon payment of double the amount for which the tract was sold plus subsequent taxes with interest.[11] This period was more extended in the case of minor heirs; it was indefinite when the land had been forfeited to the state. Except for assistance from the auditor in making up the land lists, there was no supervision or coöperation with the state authorities.

In the law of 1839 the property owners of the state encountered something different from what they were

[9] *Ibid.*, p. 3 *et seq.* The number of assessors might be one or more, according to the original law. An amendment passed in 1841 restricted the number to one. *L.* 1840-41, p. 34.

[10] An amendment passed in 1839, directed the assessor to add lands which he might discover to be missing. *L.* 1839-40, p. 4.

[11] Six per cent by the original law; ten per cent in township counties by an amendment. *L.* 1853, p. 81.

accustomed to in the earlier laws. The county taxation of personal property under the system in force prior to this time must have been extremely insignificant, for the attempt to put the new law into effect aroused a storm of protest. Both the auditor and the governor remark about the hostility to the law.[12] Complaint was made particularly about the "details" of the law, probably referring to personal visits of the assessor to value property. The rate of taxation was also the cause of dissatisfaction. So strong was the feeling that "some of the counties . . . resisted it by a refusal to list their taxable property"! The governor pointed out the absurdity of such an attitude; he expressed his approval of the principle of the law, *viz.*, "that each person should pay a tax in proportion to the value of his property"; describing some of the "details" as "justly . . . objectionable," he recommended their modification; and, finally, he pointed out the impossibility of reducing taxes, "the present revenue not being sufficient to defray the ordinary expenses of the State Government." Indeed at this very time a joint committee of the two houses of the legislature was considering the question of raising still greater sums by taxation. Interest payments on the state debt were becoming a very serious problem.[13] The committee declared it to be a "certainty that we must ultimately resort to direct taxation to meet our liabilities"; but additional taxation was not a possibility at that particular time because the people were "not in a condition to bear it."[14] The legislature responded with a few slight administrative amendments, for the most part changes in dates and fees.[15]

About this time work was abandoned on the internal improvement scheme and the struggle to raise money to meet interest payments reached an acute point.[16]

[12] *Aud. Rept.*, 1839, p. 12; Message of Governor Carlin, Dec. 10, 1839, *Senate and House Reports*, 11 G. A., 2 Sess., p. 10.

[13] $592,800 was the amount annually accruing at this time. *Aud. Rept.*, 1839, p. 14.

[14] *S. J.*, 11 G. A., 2 Sess., p. 145.

[15] *L.* 1839-40, p. 3.

[16] *Ibid.*, p. 93.

The First Interest Tax.

The legislature which met late in 1840 authorized the hypothecation of state bonds to pay interest—an act which greatly irritated the citizens of the state.[17] Governor Carlin realized that the course adopted was a suicidal one and "ere long must be abandoned.[18] It ought not to be concealed that if the vast debt which has been incurred on account of our internal improvements is ever to be paid, it must be done through the medium of taxation." Knowing that the weight of the tax burden already imposed precluded any increase in the tax rate, he made the clever proposal that the state increase its revenues at the expense of the counties. His suggestion was that the county maximum rate be reduced from fifty cents to twenty cents per one hundred dollars of valuation and the state rate be increased from twenty to twenty-five cents. By this plan the total tax rate "would be reduced instead of increased and the counties would still, with proper economy, be supplied with means to meet all necessary expenditures."

But the governor's suggestion did not appear judicious to the legislature. The course adopted included a fifty per cent increase of the state rate, making it thirty cents, but involved no deduction in the county rate.[19] The revenue from the additional rate was to "be set apart exclusively for the payment of interest on state indebtedness." This act included another noteworthy provision, whose significance may be variously construed. It provided that the minimum valuation of lands for taxation should be three dollars per acre and that each assessor should be required to swear "particularly" that he would "in no instance value any land at three dollars an acre, that he, in his conscience, believes to be worth more." Of course this clause may be merely an attempt to get more revenue from low class land than was exactly just under the general principle of the system in force. But the much more probable explanation is that the legislators were very much alive to the fact that

[17] *Niles' Register,* LXI, 242 *et seq.*

[18] *Repts.,* 12 G. A., 1 Sess., p. 8.

[19] *L.* 1840-41, p. 165. Minor changes in the administration of the system were made by an act passed in February, 1841. *Ibid.,* p. 34.

evils of undervaluation were in existence even during these early years.[20]

Although the necessity for heavy taxes was clearly apparent, the difficulty of imposing them was equally evident. Governor Carlin, upon giving up his office late in 1842, included this paragraph in his parting message to the legislature:

> To increase the rate [of taxation] at the present time would be to inflict general embarrassment and distress, and to impose upon the people a burden which they could not possibly endure. Therefore I am forced to the unpleasant and humiliating conviction, that you cannot from this source [taxation], or any other at your command, make any permanent provision for the payment of interest.[21]

He recommended "going into liquidation, now, by placing those lands, by legislative enactment, at the option of the holders of our bonds."

The summary of conditions in the message of the incoming governor, Thomas Ford, was quite as gloomy.[22] He showed (1) that the total taxable property of the state amounted to less than seventy million dollars; (2) that the state contained less than one hundred and twenty-five thousand men between fifteen and fifty years of age;[23] (3) that the tax rate was already heavy, being fifty cents for county and thirty cents for state purposes; (4) that good money was very scarce, probably not exceeding "double the amount to be raised for taxation for a single year"; and finally, (5) that Illinois was in the agricultural stage and not able to pay such high taxes as commercial and industrial states. There was a bare possibility, he thought, that "a most rigorous system of oppressive taxation would yield a sum sufficient to pay interest for a single year. But such a tax could not be repeated."

In view of these circumstances it seemed to the governor that nothing remained to be done but to declare the

[20]The law fixing this minimum valuation was repealed in 1849. *L.* 1849, 1 Sess., p. 124.

[21]*S. J.*, 13 G. A., 1 Sess., p. 18.

[22]*Ibid.*

[23]The census figure for the total population in 1840 was 476,183. *Census of 1870, Population and Social Statistics*, p. 23.

state a bankrupt. This he proceeded to do in the following mournful words:

> Thus we arrive at a conclusion of painful interest, that the state is not in a condition to fulfill its solemn engagements. And however mortifying it is to our pride, there is still one consolation, that it has been produced by a want of ability and not by a want of inclination. The main thing with which the world can justly reproach us is that we were visionary and reckless: that without sober deliberation we rushed headlong into ambitious schemes of public aggrandizement, which were not justifiable by our resources. Nor are our original creditors free from reproach on the same ground. They, as men of intelligence, sufficient for the proper management of large capital, ought as well as ourselves, to have seen our future want of ability and the constant catastrophe which our common error has produced.[24]

Economic Depression.

But messages to the legislature pointing out that everyone concerned should have known better did little toward relieving the condition. Moreover the situation was particularly acute because of the economic depression which developed and continued through 1843 and 1844. Governor Carlin had announced late in 1842 that the expected increase in the amount of land becoming taxable for the first time had been about counterbalanced by the decrease in value of all property because of the bad times.[25] In December, 1844, Governor Ford complained that "for the last two seasons the crops have not been so abundant as usual"; that high waters had destroyed much property; and, what is perhaps even more important, the people were "oppressed with the apprehension of evil from the magnitude of the state debt."[26] The debt was a "continual source of terror to the people. They have lived in the expectation of oppressive taxes. . . . It is a fact too notorious to be concealed that nothing but the utter impossibility of sell-

[24] *S. J.*, 13 G. A., 1 Sess., p. 38.

[25] *Ibid.*, p. 17. This decrease had taken place, it should be noted, in spite of the law fixing the minimum valuation of land at three dollars per acre.

[26] *S. Repts.*, 14 G. A., 1 Sess., p. 3 *et seq.* At this time the arrears of state taxes amounted to $59,304, more than one-third the annual tax revenue.

ing real estate, prevents the rapid decrease of our numbers."[27] "Many would dispose of their property at a considerable sacrifice with a view to emigration."[28] The settlers in the northern tier of counties circulated petitions praying Congress to change the boundary of the state so as to include them within the limits of Wisconsin.[29] Immigration, it was declared in 1842, had almost ceased.[30] It is true that a census made in 1845 showed that in five years the population had increased nearly forty per cent;[31] and that the regular decennial census showed that between 1840 and 1850 the increase had amounted to nearly eighty per cent. But nevertheless these figures reveal a distinct slowing up in the rate of increase, for during the preceding decade, 1830-40, the population had increased two hundred per cent.

Although the outlook was dark and no one seemed to know whence the necessary funds were to come, the people as a whole were never quite willing to acknowledge that the debt could not be paid. The faith of the majority in the future of the state was great enough to silence the repudiation talk of the minority.[32] The legislators, early in 1843, with an empty treasury, officially registered their protest against repudiation in the following words:

> Resolved That we fully recognize the legal and moral obligations of discharging with punctuality, every debt contracted by any authority, agent or agents of this state for a good and valuable consideration; and that the revenues and resources of the state shall be appropriated for that purpose as soon as they can be made available without impoverishing and oppressing the people.[33]

One might well ask what more could they do. What assets the state owned were unmarketable at the time.[34]

[27] *Ibid.*, pp. 10, 11.

[28] *S. J.*, 13 G. A., 1 Sess., p. 37.

[29] *Niles' Register*, LXI, 416.

[30] *S. J.*, 13 G. A., 1 Sess., p. 37.

[31] *Ibid.*, 15 G. A., 1 Sess., p. 71.

[32] Governor Ford was firm in his attitude against repudiation. *S. J.*, 13 G. A., 1 Sess., p. 36; Gerhard, *Illinois As It Is*, p. 105.

[33] Joint Resolution, adopted Feb. 21, 1843. *L.* 1842-43, p. 335.

[34] A report on Nov. 11, 1844, shows that 17,624.97 acres of land had been sold by that date. These sales produced only $65,031.27, and this

Negotiations were under way for a settlement with the banks and for a loan for the completion of the canal. Nothing more could be done than they did, *viz.* to declare their intention of paying in full when able, and then to wait until they should be able. This meant waiting until conditions became such that large sums could be raised by taxation and the assets of the state in the form of land became marketable.

In September, 1842, state bank paper was outlawed for tax payments.[35] As such paper was much depreciated, this action, of course, had the effect of making tax collections much more difficult. In December, 1842, it was reported that the people were "scarcely able to pay" in specie the additional rate imposed for interest purposes. Sympathizing with the tax payers in their struggles to meet their payments and probably feeling that the burden was weighing even more heavily than had been intended, the legislature in February, 1843, decided to cut the tax rate for the preceding year in half, making it fifteen cents instead of thirty.[36] Any person who had already paid his taxes at the thirty cent rate could substitute one-half the amount in specie and receive back all he had paid in. Where the taxes were yet uncollected they were to be paid only in specie or in certain types of auditor's warrants. The state rate for 1843 was made twenty cents, the normal tax under the act of 1839. No special ten cent rate was levied for the Interest Fund, the legislature suspending the law for 1842 and 1843.[37]

The real purchasing power of the state revenue under the fifteen cent rate, payable in specie, was probably fully

sum was in the form of internal improvement bonds and script. *S. Repts.*, 14 G. A., 1 Sess., p. 3 *et seq.; cf. Aud. Rept.*, 1844, p. xxiv.

[35]The proclamation of the governor was reinforced by an act of the legislature, passed February 23, 1843. *L.* 1842-43, p. 39. The state had in its possession at this time $75,660 in the paper of the banks. Under the authorization of the legislature the treasurer paid this out at fifty per cent discount. *Ibid.*, p. 231; *Treasurer's Report*, 1844, p. xxvii *et seq.*

[36]*L.* 1842-43, p. 228.

[37]*Ibid.*, p. 231.

as great as a thirty cent rate, payable in paper. However, this reduction, as well as the suspension of the ten cent rate for the Interest Fund, had a very unfortunate effect upon the canal creditors. Just at this time they were considering the proposition that they lend an additional $1,600,000 to complete the canal, and before agreeing to the proposal were merely awaiting from the state some expression of willingness to submit to heavier taxation, if necessary.[38] The agents of the state were seriously embarrassed in their efforts to float the loan because of this purely nominal but very ill-timed reduction of the rate of taxation.[39] The creditors insisted upon the restoration of the interest tax, saying that until the legislature and the people of the state "manifested some public regard to their obligations," they felt themselves unable to furnish further funds.[40]

Changes in Tax Laws and the Canal Loan.

Various influences combined to bring about an increase in the tax rate in 1845. The governor in his message had pointed out that the state taxes were "three times less than they are in the great and flourishing state of Ohio."[41] "It will be impossible," he said, "to raise money enough by taxation to pay the entire interest; still something may be done." Mention is heard of petitions signed by large landholders praying for heavier taxation. "All classes" were reported in favor of it.[42] The influence of the pending loan

[38] *Cf. ibid.*, p. 54.

[39] *S. J.*, 14 G. A., 1 Sess., p. 13; *S. Repts.*, 14 G. A., 1 Sess., p. 93. Governor Ford urged that the rate be not reduced. *Ill. Hist. Coll.*, VII, 46.

[40] *S. Repts.*, 14 G. A., 1 Sess., p. 93; J. W. Putnam, *An Economic History of the Illinois and Michigan Canal* (Reprinted from the *Journal of Political Economy*, XVII), p. 291; Gerhard, *op. cit.*, p. 104 *et seq.*

[41] *S. J.*, 14 G. A., 1 Sess., p. 18.

[42] *Niles Register*, LXVI, 340. One wonders, however, whether the circulators of petitions were not the owners of the lands which would be particularly benefited by the completion of the canal and who would naturally not be averse to assuming an additional tax, along with all the other property owners of the state, in order to bring about this desirable object. This was certainly the situation in Chicago, which was the source of other such petitions during this period.

from the canal creditors was probably greater than any other factor. At length the legislature agreed to the conditions of the creditors, the loan being consummated in 1845,[43] and after a bitter struggle and many reconsiderations, a law reimposing the interest tax was passed.[44]

Resort was made in this contingency to the old plan of Governor Carlin, advanced in 1840. The county tax was scaled down ten cents and the state rate was raised that amount for the year 1845.[45] This ten cent rate or one mill tax, as it was more generally known, was to be increased fifty per cent in 1846, *viz.* to fifteen cents or to one and one-half mills, and was to continue indefinitely at that rate.

In 1845, moreover, the legislature took occasion to repeal a law passed two years before which had modified in quite a reactionary fashion some of the administrative features of the act of 1839.[46] The act of 1843 had reverted to the old plan of delegating the assessment to county treasurers and collection to the sheriffs.[47] It had done away with the personal calls of the assessor, providing instead that notices should be posted of the time when the county treasurer would be present in each election district, depending, as in earlier times, upon each property owner

[43] *Ill. Hist. Coll.*, VII, lxxvi.

[44] *Ibid.*, p. lxi.

[45] *L.* 1844-45, p. 3 *et seq.* The general limitation on the county tax rate was quite frequently negatived by special acts of the legislature which empowered particular counties to increase their tax rate beyond the limit for various purposes. *Ibid.*, pp. 125, 126, 251.

[46] Among the minor changes during these years were several concerned with the pay of tax officials (*L.* 1842-43, p. 236; *L.* 1844-45, p. 23); specifying the kinds of money receivable for taxes (*L.* 1842-43, pp. 39, 237); exempting land lying within the corporate limits of cities from taxes for corporate purposes when not laid out in town lots (*Ibid.*, p. 238); exempting property used exclusively for educational purposes, including land up to 160 acres (*Ibid.*, p. 70); taxing Illinois and Michigan Canal lands sold on credit, but restricting the lien to the interest in the land paid for by the purchaser (*L.* 1844-45, p. 42); exempting for five years internal improvement land sold (*L.* 1842-43, p. 193); specifying in more detail the procedure in connection with the sale of land for taxes (*Ibid.*, p. 235, *L.* 1844-45, pp. 11-13 *et seq.*).

[47] *L.* 1842-43, p. 231.

to present himself at the designated time and give an account of his taxable property. Moreover, it had adopted a similar plan for collecting the taxes. The penalties of the old law had been reënacted almost without change. But the receipts from the general property tax for 1842-44 showed a considerable decrease over those of the preceding biennium, from approximately $280,000 to $225,000. A number of factors were responsible for this—the change in the rates, the general depression in the state, and, perhaps, the change in the assessment methods. At any rate the legislature made haste to modify the assessment methods prescribed in the law of 1843. It reëstablished the system of personal calls of assessors and collectors. It did not, however, restore the former method of choosing these officials; the treasurers and the sheriffs were to continue to assess and collect the taxes as under the law of 1843.

The new act frankly makes the law general. "All property," reads the first section, "real and personal within the state, shall be liable to taxation."[48] The usual exemptions are enumerated, the list closely approximating that of the law of 1839. Real property was defined so as to include not only lands but also buildings and improvements. Personal property was made to embrace every species of property not included in the description of real estate.

But even with the banking and canal indebtedness provided for and with a mill and a half interest tax in effect, the state was yet in an extremely uncomfortable position in regard to the state debt. By December 1, 1846, the new interest tax had produced only $62,024.33. But the yield for the following biennium was much more substantial, amounting to $234,943.92.[49] However, such sums as these were far from sufficient to meet the accruing interest charges and of course could contribute nothing toward paying off the overdue interest or toward discharging the principal of the debt.

[48] *L.* 1844-45, p. 3 *et seq.*

[49] *Aud. Rept.* 1846, p. ii; *ibid.*, 1848, p. v.

Improved Outlook.

On the other hand, in 1846, the general outlook had begun to brighten. The balance against the treasury had been reduced to a relatively insignificant amount, $31,000, and as a result, auditor's warrants, which had passed at a fifty per cent discount, rose to seventy-five per cent in 1844 and to par in 1846.[50] As soon as it became evident that repudiation would not be resorted to, there was a favorable reaction in the market price of state bonds. Quoted at from 14 to 18 late in 1842, they began to increase rapidly in value.[51] Moreover, there had been a marked increase in land sales. From April 1, 1844, to December 1, 1846, 91,629.30 acres of land were sold—land which had been purchased by the state in connection with the internal improvement enterprise—and $379,721.44 had been realized from the sales.[52] The figures for the two years ending December 1, 1848, however, show a decided slump, only 15,212.42 acres being sold, the receipts being $67,710.21.[53]

The question of increasing the rate of taxation continued to agitate the state. Governor French, late in 1846, declared that he did "not feel called upon to recommend any increase."[54] What should first be done was to refund the debt, "preparatory to a more united and vigorous exertion for its payment."[55] The debt was in a most confused state. No accurate record existed of the classes, numbers, and descriptions of the outstanding bonds, so that it was impossible to determine the precise amounts of the indebtedness of the state, its character, and the date of payment. The legislature responded by supplying the governor with proper authority to treat with the creditors in regard to the matter.[56]

[50] *Aud. Rept.*, 1844, p. 23, *S. Repts.*, 15 G. A., 1 Sess., p. 2.
[51] *Aud. Rept.*, 1844, p. 24; *H. J.*, 14 G. A., 1 Sess., p. 12.
[52] *Aud. Rept.*, 1846, p. 37.
[53] *Ibid.*, 1848, p. 12.
[54] *S. Repts.*, 15 G. A., 1 Sess., p. 15.
[55] *L.* 1846-47, p. 161.
[56] *Ibid.*, pp. 161, 167.

Among the projects brought forward as a means for raising additional revenue was a proposal to establish a poll tax. But it seemed wise to the legislature to throw the onus of such a measure upon the constitutional convention, whose delegates were about to be chosen.[57] Moreover, all the more important measures in taxation seem to have been held in abeyance until the results of the constitutional convention should become known. The regular fifteen cent interest tax, the twenty cent state revenue tax, and the forty cent county tax were levied in 1846, 1847, and 1848. In addition a two cent tax was levied in 1847 and 1848 for the insane hospital.[58]

[57] *Ibid.*, p. 33.

[58] Several changes of relatively slight importance were made in 1847. United States lands, Congress having given permission, were made taxable as soon as sold, thus removing a cause which had occasioned great dissatisfaction in earlier years. *Supra*, p. 31; *L.* 1846-47, p. 83. An appeal to the circuit court was provided for property owners who were dissatisfied with the decision of the county commissioner's court as to the correctness of their assessment. *Ibid.*, p. 80. The penalty upon sheriffs for delay in turning over tax collections was also reduced. *Ibid.*, p. 81.

CHAPTER VI

Taxation for Debt Payment (Continued), 1848-1872

The Constitution of 1848.

The convention which framed the constitution of 1848 had as its main concern the formation of a plan for paying off the state debt. The instrument which they presented for ratification after their deliberations has been characterized by Governor Palmer as "the expression of the determination of the people of that day to meet every obligation, and to practice the most rigid economy, until the claims of the public creditors were placed in a condition that would satisfy them."[1] The new constitution made sure of two things: first, that the public credit should not be further abused, and, second, that something should be paid every year upon the principal of the state indebtedness.

Of least importance, perhaps, were the provisions forbidding the state to borrow money—provisions passed after its credit had been destroyed. The door of the empty treasury was locked by the following clause:

> No other debt [beyond a $50,000 bond issue to meet casual deficits or failures in revenues] except for the purpose of repelling invasion, suppressing insurrection, or defending the state in case of war . . . shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for members of the General Assembly at such election.

Moreover, provision for the payment of interest was required to be made at the time of the authorization of the loan.[2] Another paragraph specifies that "the credit of the state shall not, in any manner, be given to, or in aid of, any individual, association, or corporation."[3] No state bank was to be created and the state was not to be liable

[1] *Senate Journal*, 27 G. A., 1 Sess., p. 13.
[2] Constitution of 1848, Art. III, § 37; *L.* 1849, 1 Sess., p. 3 *et seq.*
[3] Art. III, § 38.

for any stock in any corporation or joint stock association organized for banking purposes.[4] The legislature was urged to encourage internal improvements, but only by the innocuous method of "passing liberal laws of incorporation for that purpose"![5]

The clause which arouses the greatest interest is that imposing a twenty cent tax for the repayment of the principal of the internal improvement loan. It reads:

> There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills on each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: the fund so created shall be left separate, and shall annually on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness other than the canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon, and to that extent in extinguishment of the principal of such indebtedness.[6]

In this manner the people bound themselves by a constitutional clause, the strongest bond possible for them to weld, to tax themselves a substantial amount for the purpose of paying off the principal of the state debt.

There was a movement in the convention in favor of fixing a maximum rate of taxation. The committee of revenue was by resolution "instructed to inquire into the expediency" of such a plan. But the committee, after some delay, requested to be discharged from the further consideration of the matter, and the constitution went to the people with no restrictions upon the power of the legislature to raise money by taxation.[7]

The constitution permitted the levy of a poll tax of from fifty cents to a dollar upon each able bodied, free, white, male inhabitant between the ages of twenty-one and sixty years.[8] The proposal for a poll tax as first made in the constitutional convention, was quite different from that finally adopted. As first reported from the revenue com-

[4]Art. X, § 3.
[5]*Ibid.*, § 6.
[6]Art XV.
[7]*Journal of the Convention of 1847* (Springfield, 1847), pp. 88, 97.
[8]Art. IX, § 1.

mittee it was to be a compulsory levy for the specific object of paying interest on the sums borrowed from the School, College, and Seminary Funds.[9] As finally passed, the clause permitted, but did not direct the legislature to levy the tax and it specified no particular object as the beneficiary.

Of great interest, also, from the point of view of this study, are the provisions regulating the general system of taxation. The property tax was prescribed in the following language:

> The General Assembly shall provide for levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his or her property; such value to be ascertained by some person or persons elected or appointed in such manner as the General Assembly shall direct and not otherwise; but the General Assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery keepers, toll bridges and ferries, and persons using and exercising franchises and privileges, in such manner as they shall from time to time direct.[10]

This clause marks no distinct departure from the theory of the system already in force, with the single exception of its clash with the minimum valuation law of 1841.[11] Property of the state and counties was specifically exempted from taxation but the right to make such other exemptions as might be desirable for school, religious, or charitable purposes was delegated to the legislature.

Nothing more of importance from this point of view was contained in the instrument except a clause providing for certain formalities before granting clear titles to holders of tax titles and another regulating local taxation, which required "that all the property within the limits of municipal corporations, belonging to individuals," should be taxed "for the payment of debts contracted under authority of law."[12]

In submitting the result of its labors for ratification, the convention presented an "address to the people," ex-

[9] *Journal of the Convention of 1847*, pp. 79, 412-414.
[10] Art. IX, § 2.
[11] *Supra*, p. 83.
[12] Art. IX, § 5.

plaining the plan for debt payment as embodied in the new constitution.[13] In nineteen years, the two mill (twenty cent) tax provided for in the new constitution would yield enough to pay the principal of the debt, except for about $50,000. The principal amounted to $6,245,380, it was estimated, exclusive, of course, of canal indebtedness. The plan contemplated not only paying off the indebtedness before it became due but also paying it off before catching up on back interest payments, and even before making sure that current interest charges would be met. Already there was unpaid accrued interest to the amount of $2,248,372, and this amount would increase to $6,559,916 during the nineteen year period. To meet interest charges, there would be available about three-fifths of the income from the fifteen cent (one and one-half mill) interest tax which had been levied since 1846, and which, it was proposed, would continue to be levied.[14] Receipts from this source, it was frankly recognized, would not be sufficient to take care of all the interest charges, but what would be unpaid at the end of nineteen years ($3,775,316, it was estimated,) together with the unpaid principal ($51,380) could be cleared off by six years more of taxation at the same rates. "All this, too," urged the address, could be accomplished "without materially increasing our burdens, when viewed in connection with the proposed reduction of state expenses."[15]

The constitution was adopted "with a unanimity of sentiment scarcely paralleled."[16] The two mill tax was submitted separately and adopted by ten thousand majority.[17]

But the enthusiasm of the people for the new constition was not shared by the bond holders. "You can scarcely conceive of the feeling that exists in relation to

[13] *Merchant's Magazine,* XX, 86.

[14] The other two-fifths of the tax was necessary to meet interest charges on canal indebtedness.

[15] *Loc. cit.*

[16] *S. J.,* 16 G. A., 1 Sess., p. 7.

[17] Gerhard, *Illinois As It Is,* p. 132.

the two mill tax provided for in the constitution," wrote Julius Wadsworth, agent for refunding the state debt, from New York, in December, 1848. "Many openly denounce it as a species of repudiation." Strong objection was made to "the gradual reduction of the principal, leaving the accruing interest unpaid for."[18] Moreover, he complained that from his point of view the law was impracticable, for to pay to each bondholder his share of the amount which might be collected annually, would necessitate calling in all the certificates each year and issuing new ones in their place for the amounts to which the bonds had been reduced by the payment. He urged that the proceeds of the two mill tax be made applicable to interest.

In spite of the creditors' clamor, a law was passed in 1849 carrying the two mill tax clause of the constitution into effect.[19] But soon after, the legislature proposed a constitutional amendment which was expected to meet the difficulty; the revenue from the tax, instead of being applied each year in driblets to paying off the debt, was to go to a sinking fund which might be used to discharge the indebtedness as it became due.[20] Strange to say, when finally this very reasonable amendment was voted upon by the people in 1852, it was lost.[21]

The tax code of Illinois was destined soon to adjust itself into the form set by the constitution of 1848. Within a few years the necessary modifications were made and, moreover, the revenue code came to bear a remarkable resemblance to the present law. In mere matters of phrasing as well as in the more fundamental respects, the statutes as they stand to-day have much in common with those of the early fifties.

As soon as the new constitution was adopted, an immediate necessity confronted the legislature of adapting the law to its provisions.[22] So serious did the necessary

[18] *Ill. Hist. Coll.*, VII, 294, 295.
[19] *L.* 1849, 1 Sess., pp. 126, 127.
[20] *L.* 1849, 2 Sess., p. 54; *L.* 1851, pp. 107-09.
[21] Gov. Mess., *S. J.*, 18 G. A., 1 Sess., pp. 11, 12.
[22] *S. J.*, 16 G. A., 1 Sess., p. 8.

changes appear to the governor that he included them among his reasons for calling a special session of the legislature.[23]

It is true that the minimum valuation law of 1842, which specified that no land in the state should be assessed at less than three dollars an acre—a provision in direct conflict with the valuation requirement of the new constitution—had already been repealed.[24] But a complication had been introduced by the constitutional clause authorizing the township form of government. It was made optional whether a county should retain its old form of organization or should adopt the township system. Some thirty counties immediately adopted the new system; others retained the old.[25] This practically necessitated two revenue systems, one adapted to each form of government. Here is the beginning of the dual system in Illinois which is in large part responsible for the complexity of the statutes of that state.

The township organization act as passed in 1849 took the management of most fiscal affairs in such counties out of the hands of the county court,[26] and vested it in township officers. A new bit of machinery was introduced by this law in its provision for the review and equalization of assessments. The assessor was to give notice of a time when he should consider complaints, and on an affidavit of a property holder that the value of his personal property did not exceed a certain amount, the assessment was to be reduced to that figure. Two years later the review was transferred to a board which included, besides the assessor, the town clerk and the supervisor. Valuation of real property might be modified in cases where a majority of the board deemed it advisable.[27] The law of 1849, moreover, provided for an equalization of the township assessments by the county board composed of the supervisors of

[23] *H. J.*, 16 G. A., 2 Sess., p. 8.
[24] *Supra*, p. 83; *L.* 1849, p. 124.
[25] *Aud. Rept.* 1850, p. 25.
[26] *L.* 1849, 1 Sess., p. 190 *et seq.*
[27] *L.* 1851, p. 57.

all the townships included within the limits of the county. It was a function of this board to make the valuations in one town bear a just relation to those in other towns. In its manipulations the board was not permitted to reduce the aggregate valuations of all the towns below the original aggregate.[28]

Both assessors and collectors were to be elected at the town meeting.[29] The county treasurer was to assume the duties formerly borne by the sheriff in connection with the collection of delinquent taxes.

Probably as part of the new plan of economy, a law of 1849 forbade the county clerks to make out new lists of taxable lands each year, unless specifically ordered to do so by the county court. Ordinarily they were merely to add new items to the old lists.[30]

But these changes were more or less hastily made and considerable confusion resulted when they were put into operation.[31] It was evident that the tax code needed a thorough overhauling. Slight modifications were made in 1851,[32] but the task of completely revising the code was postponed. Meanwhile the auditor was asked to prepare a model revenue bill. He presented such a measure to the legislature in 1852,[33] and in 1853 a code was adopted which remained on the statute books for fifteen years without a single amendment of consequence.

The Revenue Code of 1853.

The new revenue measure of 1853 encountered strong opposition in the General Assembly. A great hue and cry was raised because the new law required "all property to

[28] *L.* 1849, 1 Sess., p. 207 *et seq.*

[29] *Ibid.*

[30] *Ibid.*, p. 124.

[31] *Aud. Rept.* 1850, p. 25.

[32] Closer coöperation was provided between the state and the township authorities. *L.* 1851, p. 58. Inspired, evidently, by a belated pang of conscience, the state made the notes and bills of the State Bank of Illinois receivable at the treasury and offered to pay two per cent interest on them. *Ibid.*, p. 120.

[33] *Aud. Rept.* 1852, p. 5.

be assessed at its true value in money."[34] This seems very strange in view of the constitutional requirement and the act of 1849 repealing the minimum valuation law of the early forties. The only explanation is that the tax payers, even at this early date, had become so accustomed to considerable undervaluations that any other condition seemed unnatural and unfair.

The new code was dual in form, distinct acts applying to township and to non-township counties. Naturally enough the first section, specifying the property to be taxed, was the same in each act. It reads:[35]

> That all property, whether real or personal, in this state; all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of persons residing in this state, or used or controlled by persons residing within this state; the property of corporations now existing or hereafter created, and the property of all banks, or banking companies, now existing or hereafter created, and of all bankers and brokers, except such property as is hereinafter expressly exempted, shall be subject to taxation; and such property, moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, or the value thereof, shall be entered on the list of taxable property, for that purpose, in the manner prescribed in this act.

Real estate was so defined as to include buildings and improvements. Under "personal property" was to be listed "every tangible thing, being the subject of ownership, whether animate or inanimate, other than money and not forming part or parcel of real property." "Money" included bank deposits and cash on hand. "Credits" were defined as

> every claim or demand for money, labor, or other valuable thing, due or to become due, or every annuity or sum of money receivable at stated periods, and all money invested in property of any kind which is secured by deed, mortgage, or otherwise, which the person holding such deed, or mortgage, or evidence of claim, is bound by any lease, contract or agreement, to reconvey, release, or assign, upon the payment of any specific sum or sums.

Pensions, which would fall naturally under this definition, were exempted from taxation.

[34] *Ibid.*, 1854, p. 5.
[35] *L.* 1853, pp. 3, 35.

The law includes the following paragraph intended to eliminate double taxation:

No person shall be required to list a greater portion of any credits than he believes will be received or can be collected; nor any greater portion of any obligation given to secure the payment of rent, than the amount that shall have accrued on the lease, and shall remain unpaid at the time of such listing. No person shall be required to include in his statement, as a part of the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, which he is required to list, any share or portion of the capital stock or property of any company or corporation which is required to list or return its capital and property for taxation in this state. . . .

More liberal reductions were allowed for debts than are permitted at present. In making up the item of moneys and credits, the property owner was permitted to deduct all his *bona fide* debts,[36] with the qualification that no deduction would be allowed

on account of any bond, note, or obligation of any kind, given to any mutual insurance company, nor on account of any unpaid subscription to any religious, literary, scientific, or charitable institution, or society; nor on account of any subscription to or installment payable on the capital stock of any company, whether incorporated or unincorporated.

Foreign insurance companies were taxed at the regular rates for both state and local purposes upon their gross receipts in the state.

Merchants were assessed on the average value of their stock during the preceding year, manufacturers on the average value of their materials.

The following peculiar and indefinite provision was included to govern the question of allowance for debts:

Provided that from the value of any property, being a product of this state, the merchant or manufacturer listing the same shall be entitled to deduct the amount owing by him for such property, or for moneys invested therein; And, provided further, that from the value of property, being the product or stock of this state, the farmer or dealer listing the same shall be entitled to deduct the amount owing by him for such property, or for moneys invested therein.

The exemptions included the usual items of property devoted to educational, charitable, and burial purposes, of property belonging to the state etc.

[36]This provision did not apply to banking companies.

Property was to be assessed "at its true value in money, excluding the value of crops growing thereon." "But the price for which property would sell at a forced sale" was not to be taken as the criterion of such value.

The most interesting change in the plan for assessing property was the introduction of biennial assessments of real estate. Before this time all property was assessed annually, except in so far as this practice was interfered with by the act of 1849.[37] Under the new law (1853) personal property was valued each year but real estate only every other year.[38] This change seems to have been first suggested by the auditor in his report for 1850.[39]

The listing of personal property was secured by the circulation of tax lists. Each property owner was compelled to sign a statement of his personal property, itemized under fourteen heads. Strangely enough, no oath was required. The reason that no such requirement was included becomes apparent when one reads the auditor's report for 1854. After commenting upon the difficulty experienced in ascertaining the value of moneys and credits, where "correct information" lay "solely within the knowledge of the owners or persons controlling" the property, the auditor suggested that it might be necessary to require that such property be returned under oath. But his misgivings in regard to such a course found expression in these words: "It must be remembered, however, to what a great extent the security of property and the protection of character and life depend upon the sanctity of the oath; for this reason I am not disposed to require oaths to be administered to parties on matters where they are directly and personally interested, if it can be avoided."[40] Later experience has shown that the dangers mentioned are need-

[37] *Supra*, p. 90.

[38] An amendment passed in 1855 instructed assessors to add any real estate which had become taxable and new buildings, and to subtract in the case of destruction by fire, flood, etc. *L.* 1855, p. 38.

[39] *Aud. Rept.* 1850, p. 24.

[40] *Ibid.*, 1854, p. 6.

lessly encountered; for the oath seems to have but slight success in accomplishing a full assessment, the end desired.[41]

The dissatisfied property owner was provided, by the law of 1853, with an appeal to the board of supervisors in counties under the township system and to county courts in other counties. The decisions of these bodies were not to be considered final, however, until approved by the auditor of public accounts.[42]

The collection of the taxes was to be accomplished by advertising the day when the collectors would be present in various election districts to receive the taxes. Overdue taxes were subject to a fifty per cent penalty. Jury certificates and county orders, as well as coin, were receivable for county taxes and auditor's warrants were acceptable for state taxes levied for the revenue fund. But the special state taxes were payable in coin only.[43]

With this law of 1853 in force Illinois collected the great bulk of her sums for debt payment. Not a change of importance was made until 1872 with the single exception of the act of 1867 establishing the state board of equalization, and this act was an addition rather than an alteration.[44]

Financial Conditions.

Having traced the evolution of the tax code during these years to the point of relative stability reached in 1853, attention must now be directed toward the use of

[41] *Infra*, p. 144 *et seq.*

[42] In 1854 the board of supervisors was empowered to amend the assessment or to declare it void and order a new one if it were grossly inaccurate. In the latter case, special collectors might be appointed. *L.* 1854, pp. 27, 28.

[43] A law passed in 1863 added United States legal tender treasury notes and postage currency to the list of moneys receivable for taxes. United States bank notes and United States fractional currency were added in 1869. *L.* 1863, p. 82; *L.* 1869, p. 353.

[44] The return to annual assessments of real estate in township counties is not of sufficient moment to be considered an exception to this statement. *Aud. Rept.* 1856, p. 5.

the tax system to produce the much needed revenues. Taking an account of stock in 1849, the governor estimated the state debt at about $16,660,000, which sum included canal claims and interest charges to date.[45] Two years later his estimate was but thirty thousand dollars less than this amount.[46] Under the funding operations begun in 1847, some three million dollars worth of original stock had been refunded by 1849, and over five and a half million by 1851.[47]

With a tax rate of twenty cents for interest, twenty cents for state debt, fifteen cents for revenue purposes, two cents for the insane hospital, and one cent for the blind asylum, the governor in 1849 considered the state taxes "as onerous as the people ought, at present, to be called upon to sustain."[48] The insane hospital tax was soon increased to three and one-third cents.[49] The insane hospital and blind asylum rates were discontinued after 1854, the balances being turned into the revenue fund in 1856.[50]

In 1849 an additional resource was added to the means for discharging the state debt, when a law was passed directing the governor to invest in Illinois bonds any school funds received from the United States government. Not much of the debt was purchased from this source, however, only $139,664.31 in all being used.[51]

Conditions in general continued to improve. The assessed value of property increased from $82,327,105 in 1845 to $119,868,336 in 1850. The twenty cent rate for revenue purposes brought in sufficient revenue to meet all demands for current expenses and to leave a surplus

[45] *S. J.*, 16 G. A., 1 Sess., p. 11; *Ill. Hist. Coll.*, VII, 201.

[46] *H. J.*, 17 G. A., 1 Sess., p. 9 *et seq.* *Cf. Census*, 1880, VII, 625.

[47] *S. J.*, 16 G. A., 1 Sess., p. 9; Gov. Mess., *S. J.*, 17 G. A., 1 Sess., p. 9 *et seq.*

[48] *S. J.*, 16 G. A., 1 Sess., p. 8.

[49] *Aud. Rept.* 1850.

[50] *Ibid.* 1854, 1850.

[51] *L.* 1849, 1 Sess., p. 70; *Aud. Rept.* 1850, p. 17; *Repts.*, 22 G. A., 1 Sess., p. 430.

besides, so that in 1850 the auditor was able to report that "for the first time since the formation of our state government, we have in the treasury a sum equal to, and which will be applied for, defraying the expenses of the present session of the General Assembly." By Nov. 30, 1850, $165,788.81 had been received from the twenty cent state debt tax, and in the following two years $492,166.53 was received in addition from this source. The fifteen cent tax for interest purposes which had yielded $234,943.92 for the biennium ending December 1, 1848, produced $296,326.89 during the following two years and $366,393.75[52] in the biennium next succeeding. Some progress could now be made toward debt payment. Between 1850 and 1852, $375,274.29 was paid from the State Debt Fund besides some minor payments from other sources.[53] Indeed, the affairs of the state were now being carried along on the crest of a wave of prosperity. Exceptionally good times were reported. "For the period embracing the last two years," said the auditor in 1854,[54] "no state in the Union has made more rapid progress in the development of its resources, and in the accumulation of wealth, or can show a greater degree of general prosperity than the great state of Illinois." The good times were also commented upon by the governor.[55]

The assessed value of property increased by leaps and bounds—to $137,818,079 in 1851, to $149,294,805 in 1852, and to $225,159,633 in 1853, the year the new revenue law went into effect. The increase for 1853, amounting to over fifty per cent, is ascribed by the auditor almost entirely to the natural growth in value of property in the state and not to the operation of the new revenue law, but it seems doubtful whether the revenue law of 1853 should be denied

[52] $372.89 of this sum was refunded.

[53] These include $23,080.57 turned over to the governor from the School Fund for the purchase of state indebtedness, and payments from the Revenue Fund for debt purposes amounting to something over ten thousand dollars.

[54] *Aud. Rept.* 1854, p. 4.

[55] *H. J.*, 18 G. A., 2 Sess., p. 5 *et seq.*

credit, in view of the upward trend which has been so characteristic a phenomenon subsequent to the introduction of new revenue codes.

Levied on this rapidly expanding base, the twenty cent rate for revenue purposes increased faster than ordinary expenses. For the two years ending 1852, the revenue tax yielded $443,503. Governor Ford recommended that the rate be reduced to ten cents,[56] a suggestion which was adopted forthwith. At the suggestion of the auditor, all unappropriated and surplus funds in the treasury were to be turned into a surplus revenue fund to be applied to the purchase of state indebtedness.[57] But because of the cut in the rate for revenue purposes, a cut which reduced the receipts to the revenue fund from $443,503 to $387,510, the amounts turned over to the Surplus Revenue Fund were inconsiderable.[58]

The State Debt and Interest Funds.

But in spite of debt payments, the governor's estimate of the total debt on January 1, 1853, was larger than that of 1851, the figure being placed at $16,724,177. Accruing interest charges were, of course, not yet being met. But taxable property was increasing in the state more rapidly than the interest on the debt, so that the governor estimated that within five years the income from the interest tax would be sufficient to meet the full amount due annually upon the outstanding bonds.[59] The task of paying off the debt was now much more hopeful than it had seemed before.

Each year the receipts into the State Debt Fund and the Interest Fund increased, due to the increase of taxable property in the state. Table 6 shows the receipts and disbursements for the State Debt Fund for the entire period

[56] *S. J.*, 18 G. A., 1 Sess., pp. 12, 13.

[57] *Aud. Rept.* 1852, p. 4; *L.* 1853, p. 200.

[58] $137,053.82 was paid into this fund in 1853 and 1854. $117,053.82 was used in purchasing state indebtedness and the balance, $20,000, was refunded to the Revenue Fund in 1856.

[59] *S. J.*, 18 G. A., 1 Sess., p. 10 *et seq.*

during which the twenty cent tax was imposed. How important was the rôle played by this tax in paying off the state debt can be appreciated at a glance.

TABLE 6.

STATEMENT OF THE STATE DEBT FUND.(a)

Auditor's Report,	Received.	Paid Out.
To Nov. 30, 1850	$ 165,788.81	$
From Dec. 1, 1850 to Nov. 30, 1852	492,166.53	395,467.96
From Dec. 1, 1852 to Nov. 30, 1854	701,220.99	545,140.80
From Dec. 1, 1854 to Nov. 30, 1856	1,113,413.14	908,820.46
From Dec. 1, 1856 to Nov. 30, 1858	1,387,553.92	1,244,084.69
From Dec. 1, 1858 to Nov. 30, 1860	1,192,010.07	1,466,260.45
From Dec. 1, 1860 to Nov. 30, 1862	148,083.11	640,462.21
From Dec. 1, 1862 to Nov. 30, 1864	589,128.94	4.50
From Dec. 1, 1864 to Nov. 30, 1866	1,406,484.68	1,264,020.63
From Dec. 1, 1866 to Nov. 30, 1868	1,669,168.80	1,489,837.25
From Dec. 1, 1868 to Nov. 30, 1870	1,637,975.39	732,367.03
From Dec. 1, 1870 to Nov. 30, 1872	1,105,401.80	2,587,982.83
Totals	$11,608,396.18	$11,274,630.81
Amount in Treasury in 1872		333,765.37
Total paid out and balance		$11,608,396.18

(a) *Aud. Rept.* 1872, pp. xvii, xviii.

The receipts of the Interest Fund were correspondingly large, amounting for the biennium ending December 1, 1854, to $525,931, and for that ending December 1, 1856, to $904,420. With such an income as this the state was able to resume complete interest payments even earlier than had been anticipated. In January, 1857, this was accomplished and an end put to the increase in the state debt through the cumulation of unpaid interest charges.[60]

Arrangements were made to fund the unpaid interest which had piled up before 1857. That which had fallen due before 1847 was to draw interest after 1857, while interest was allowed on the share which had gone unpaid between 1847 and 1857, after January 1, 1860.[61]

[60] *S. J.*, 20 G. A., 1 Sess., p. 14.

[61] *Treas. Rept.* 1856, p. 4; *L.* 1857, p. 104.

Now at last Illinois was once more financially respectable, meeting her legal liabilities in cash as they fell due, and holding out to her bond holders a reasonable expectation of repayment. On January 1, 1857, the net debt of the state was $12,834,144, over four and a half million having been paid during the preceding four years.[62] As expressed in one of the ornate orations of the day, "The heavy debt, from the contemplation of which so many shrank back appalled, now presses no more heavily upon her energies than the curtain of the morning mist rests upon the bosom of her prairies."[63]

The Illinois Central Payments.

A source of revenue for debt payment which by 1857 was already of importance and which was destined to play a large part in the payment of the state debt was the Illinois Central Railroad contract. All railroads in Illinois were assessed under the general property tax except the Illinois Central which was taxed in a special manner because of special privileges granted to the railroad by the state. It is not within the scope of this study to make a detailed examination of the Illinois Central tax. Suffice it to say that in the early fifties the state assigned to the railroad considerable railroad property—salvage from the internal improvement project of 1837—and a princely grant of land which had been given to the state by Congress for the purpose. In return the company agreed to pay to the state a percentage of its gross receipts. The rate was to be five and later seven per cent. This was in lieu of all taxes.[64]

The returns from this contract began to reach the state treasury in 1855 and were devoted to debt payment. The amounts received from the tax during this period are shown in Table 7.

[62] *S. J.*, 20 G. A., 1 Sess., p. 12 *et seq.*

[63] Oration of Robert Bell, Esq., delivered at Fairfield, Illinois, quoted by Gerhard, *op. cit.*, p. 12.

[64] *Census*, 1880, VII, 625.

TABLE 7.

REVENUE FROM THE TAX ON THE GROSS EARNINGS OF THE ILLINOIS CENTRAL RAILROAD.(a)

Two Years Ending	
Oct. 31, 1856	$107,383
Oct. 31, 1858	277,621
Oct. 31, 1860	309,662
Oct. 31, 1862	389,432
Oct. 31, 1864	705,909
Oct. 31, 1866	923,546
Oct. 31, 1868	872,405
Oct. 31, 1870	929,518

(a) Compiled from *Treas. Rept.* 1904, p. 28. Before 1857 the revenues represent five per cent of the gross earnings; after 1857, seven per cent.

But the direct financial return was not the greatest benefit conferred by the Illinois Central Railroad. Its services in developing the economic resources of the state, in inducing immigration and increasing taxable values, just at the time when such service was particularly needed to aid in the solution of the problem of debt payment can scarcely be overestimated.

Another source of debt payment, a non-tax source, however, was the State Land Fund, which consisted of the receipts from the sale of state lands. For a short time these amounted to considerable sums. Thus, during the two year period ending December 1, 1854, the receipts amounted to $280,894, and during the following biennium to $122,812. By 1856, however, practically all the lands had been disposed of.[65]

Summary of the Sources of Debt Payment.

From these sources, then, was the debt paid; (1) the receipts from the operation of the canal and from the sale of canal lands applied by the canal trustees to the canal indebtedness; (2) the State Debt Fund supplied from the twenty cent (two mill) tax on property in general; (3) the Interest Fund, supplied from a tax rate levied on property; (4) the Illinois Central fund, supported by the gross

[65] Only 6,458 acres remained. *Aud. Rept.* 1856.

earnings payments; (5) the State Land Fund, consisting of the receipts from the sale of state lands; (6) the Surplus Revenue Fund, consisting of left-overs, unexpended balances in the treasury, etc.; (7) borrowings from the school funds; and (8) various payments from the Revenue Fund whose chief support was the state rate levied on property. In addition the receipts to some of these funds were in the form of state indebtedness instead of cash. Certificates of indebtedness were received, for example, in payment for state lands.[66]

In 1857 and 1858 the debt was reduced $1,166,877, so that in January, 1859, the amount outstanding against the state was $11,138,454.[67] By December 1, 1860, this figure had been cut down to $10,277,161.[68] But now the rate of taxation, probably because of the financial depression, became the object of bitter complaint.[69] A committee appointed by the legislature reported in 1859 that the taxes were "more onerous than is favorable to the growth of a new state, whose resources are developed by that class of population upon which they bear most heavily, and who will and do shun our borders in consequence of their existence."[70] The most attractive point of attack for those who desired a reduction in the rates was the twenty cent rate for the State Debt Fund. The dissatisfaction of the bond holders with this tax has already been noted.[71] The inconvenience of surrendering their securities annually to receive the dividend due them was so great that many persons simply refrained from presenting them. This made it appear that the tax was being needlessly assessed.

It has been decided to use the unclaimed portion of the State Debt Fund in purchasing state bonds in the open market. But the rise in the market value of the securities

[66] *Ibid.* 1850, p. 20.

[67] *S. J.*, 21 G. A., 1 Sess., p. 18.

[68] This did not include the MacAllister and Stebbins claim. *Repts.*, 22 G. A., 1 Sess., p. 5.

[69] *Aud. Rept.* 1858, p. 5.

[70] *G. A. Repts.*, 21 G. A., 1 Sess., I, 294.

[71] *Supra*, p. 96 *et seq.*

made this course inadvisable. Bonds could only be bought at a considerable premium.[72] A bill introduced in 1859 to suspend the collection of the twenty cent tax failed to pass.[73] But in 1861 when it developed that less than three per cent of the fund collected during the two preceding years had been called for by the bond holders, that the Revenue Fund was empty, and that the assessed value of property had decreased, the legislature held back no longer. The preamble of the law, as passed, reads:

> Whereas, our present financial condition requires that provision be made for an increase in the Revenue Fund, while a just regard for the interests of our state and the prosperity of her people imperatively demands that such provision shall be made without increasing, but on the contrary, if possible, by diminishing our present heavy rate of taxation,

the collection of the twenty cent tax was declared suspended for the years 1861 and 1862 and the balance in the State Debt Fund, amounting to more than $500,000 was turned over to the Revenue Fund.[74]

Finances During the Civil War.

Even while these arrangements were being made, the financial problems of the Civil War presented themselves for consideration. In the next two years the bonded debt was increased by a $2,000,000 issue for war purposes, a $50,000 issue for revenue purposes, a $65,000 issue for the Normal University, and $182,000 for the settlement of the "Thornton loan." These amounts, with the outstanding indebtedness on December 1, 1860, brought up the funded debt to $12,574,161.36.[75]

Practically nothing was done toward the reduction of the funded debt before 1863, but by December 1, 1864, payments from the canal trustees and from the Illinois

[72] *Aud. Rept.* 1858, p. 5.

[73] *G. A. Repts.*, 21 G. A., 1 Sess. I, 293 *et seq.*

[74] *L.* 1861, 1 Sess., p. 208 *et seq.* The constitutionality of this measure seems to have been the subject of difference of opinion. *Cf.* Repts. of Senate Committee on Finance.

[75] *S. J.*, 23 G. A., 1 Sess., p. 26. To pay interest on the war debt, the auditor levied a tax of five cents on the one hundred dollars valuation. *Ibid.* 1863, p. 11 *et seq.*

Central Railroad, the only sources for debt liquidation since the suspension of the State Debt Fund levy, had brought this sum down to $11,246,210.[76]

The war bonds sold at a discount, only $1,767,395 being realized for the $2,000,000 issue. The state may be considered a loser to the extent of this discount. However, a large share of the proceeds from the bond sale was used to discharge the direct tax levied by the United States on real estate. The state paid an assessment of $1,146,551.33 with $954,568.67, being able to take advantage of the fifteen per cent discount allowed where the states paid the money directly.[77] The total claim of the state against the United States government on account of the war amounted to $3,812,525.54. These claims were met promptly, $1,841,-129.08 having been refunded to the state by 1863 and practically the entire amount by 1865.[78] On the whole, the war was far from a serious financial catastrophe to the state government. The money cost was probably not much more than a half million dollars; but this does not take into consideration the direct tax assumed by the state.[79] General economic conditions were very satisfactory indeed during these years. "As a state, nowithstanding the war," said the governor in his message of 1865, "we have prospered beyond all former precedents."[80] Assessed values of taxable property decreased somewhat, but in the opinion of the state officials these declines find an explanation in undervaluation rather than in a true shrinkage of value.[81]

This decrease in the tax base was the cause of an important change in the machinery of taxation. The assessments were characterized by the governor in his message of 1863 as "absurdly low" and "in many cases very vari-

[76]The policy of buying bonds in the open market was definitely abandoned in 1863. *L.* 1863, p. 76; *S. J.*, 23 G. A., 1 Sess., p. 11 *et seq.*

[77]*Ibid.*

[78]The amount of unsettled claims in 1865 was $85,732.67. *Ibid.*, 24 G. A., 1 Sess., pp. 45, 46.

[79]*Ibid.*, 23 G. A., 1 Sess., p. 11 *et seq.*

[80]*Ibid.*, 24 G. A., 1 Sess., p. 15 *et seq.*

[81]*Ibid.*, 23 G. A., 1 Sess., p. 11 *et seq.*; *Aud. Rept.* 1856, p. 5 *et seq.*

able." "The question arises," he said, "whether some measures may not be devised for the equalization of assessments throughout the state."[82] Beginning with 1863 the assessments show a steady increase annually, but there seems nevertheless to have been great undervaluation. In 1867 the governor testified that "in many parts of the state different persons are taxed 25, 50, and 100 per cent more, for the very same species of property, than other persons are in different counties, for property of the same kind. . . . Were the spirit and the intent of the law properly carried out, the assessments would be more than double what they are now."[83]

The auditor and governor joined in recommending the establishment of a state board of equalization,[84] and their recommendation was accepted by the legislature.[85]

The State Board of Equalization.

Under the provisions of the act the governor was to appoint one member from each senatorial district (there were twenty-five at this time) and these with the auditor were to compose the board. The appointed persons were to be supplanted by members chosen at the elections to be held in 1868. The term was fixed at four years. The members were paid eight dollars per day plus mileage at the rate of ten cents per mile. At first the sessions were limited to fifteen days. In 1869 the time was extended to thirty days.[86]

The board was to assemble at the state capitol annually and after examining the abstracts of property assessed in the various counties, was to equalize them "by directing to be added to the amount of property so assessed in each county, or to be deducted therefrom, such rate per cent as said board may deem equitable." But the board could not reduce the aggregate amount of property assessed in the

[82] *S. J.*, 23 G. A., 1 Sess., p. 14.
[83] *Ibid.*, 25 G. A., 1 Sess., p. 17.
[84] *Ibid.; Aud. Rept.* 1866, p. 6.
[85] *L.* 1867, 1 Sess., p. 105.
[86] *L.* 1869, p. 353.

state. Annual assessments of real estate were restored in all counties. The clause specifying more in detail the manner in which the assessments were to be equalized, reads as follows:

> In equalizing the value of personal property in the several counties, said board shall cause to be added together the average values of each kind of domestic animals and enumerated articles in each county, and the sum so obtained as compared with the added general averages of the same items throughout the state, shall be held by such board to indicate the proportion which the whole assessment of personal property in each county bears to the whole assessment of personal property throughout the state; and said personal property shall be equalized by said board in the manner hereinafter provided for equalizing real property. Real property shall be equalized by adding to the aggregate assessed value thereof in every county in which said board may believe the valuation to be too low such per centum as will raise the same to its proper proportionate value, and by deduction from the aggregate assessed value thereof in every county in which said board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. When the relative valuations of real and personal property shall have been considered separately, said board shall combine the results in such manner as may be deemed equitable, and determine a uniform rate per cent to be added or deducted from both classes of property in each county, which rate per cent shall in all cases be even and not fractional; Provided, that nothing herein contained shall be construed as interfering in any manner with the laws now in force in regard to the equalization of assessments as between the different townships by the board of supervisors in counties adopting the township organization.

By an amendment passed in 1869 the board was to consider separately the following classes of property: lands, town and city lots, railroad property, and personal property.[87]

Computation of the Tax Rate.

In 1867, moreover, the present-day method of computing the tax rate was introduced.[88] After the equalization had been accomplished the auditor was to compare the total amount of the equalized assessment with the total amount of the appropriations made by the legislature and of the other demands upon the treasury and to strike a

[87] *Ibid.*, pp. 352, 353.

[88] *L.* 1867, 1 Sess., p. 105 *et seq.*

percentage. This percentage was to be the state rate, which was then to be certified to the local authorities.

The operation of this method resulted at first in considerable variations in the rate from year to year. The rate levied for revenue purposes in 1866 had been twelve cents. For the first year under the new plan, 1867, the rate was twenty-five cents; in 1868 it dropped to fifteen cents; in 1869 it was eighty cents. The rates for 1870, 1871, and 1872 were, respectively, twenty-five, fifty-five, and thirty-five and three-tenths cents. This irregularity was due to the heavier expenses which were met in legislative years. Much of this variation from year to year has now been eliminated.[89]

Debt Payment, 1864-1872.

During the late sixties great progress was made toward the liquidation of the debt; $2,607,958.46 was paid from December 1, 1864, to December 1, 1866, leaving an outstanding debt of $8,638,252.21 at the later date.[90] A reduction of about the same amount, $2,687,114.01, was made during the next biennium, the debt on December 1, 1868, being $5,988,453.53. There had been an increase of $50,000 in 1867, a bond issue for the penitentiary.[91] The rate for interest purposes was reduced to twelve cents in 1867 and to ten cents in 1868. In 1870 it was done away with entirely. By December 1, 1870, the debt outstanding against the state was but $4,890,937.30, and there had accumulated in the treasury to meet this debt, $3,082,104.22.[92] It might well be true, as Governor Oglesby remarked in 1869, that the debt had "ceased to cause any general solicitude."[93] The receipts from the canal and from the Illinois

[89] A minor change in 1869 eliminated from the taxable list goods belonging to non-residents assigned to commission merchants for sale. *L.* 1869, p. 58.

[90] *S. J.*, 25 G. A., 1 Sess., p. 13 *et seq.*

[91] *Ibid.*, 26 G. A., 1 Sess., p. 11 *et seq.*

[92] *Ibid.*, 27 G. A., 1 Sess., p. 26 *et seq.*

[93] *Ibid.*, 27 G. A., 1 Sess., p. 11 *et seq.*

Central tax were great enough to justify the recommendation that the twenty cent state debt tax be repealed;[94] and this tax, which had been of such great assistance in paying off the debt was levied for the last time in 1870. On December 1, 1872, the bonded debt amounted to $2,060,150.63. During the preceding two years $3,080,786.67 had been paid, but a quarter of a million of revenue deficit bonds had been issued. These bonds were delivered to the city of Chicago as part payment of a debt of $2,955,340 to the city, which the state at this time chose to assume. The municipality had advanced funds to assist in building the canal and had taken a lien on the canal as security. In sore need because of the devastating fire, Chicago was to some extent relieved by the state through the payment of this money. A tax of fifteen cents on the one hundred dollars was authorized for 1871 and 1872, the proceeds of which were to go to the city, along with the resources available from the Illinois Central Railroad Fund and the canal.[95] By November, 1872, nearly half of the debt to the city ($1,378,307.68) had been discharged.

Thus by 1872, when the new revenue code was adopted, the state debt had ceased to be a factor. The amounts falling due were easily met, and by 1881 the state debt was declared entirely paid. At this time the proceeds from the Illinois Central Fund were transferred from debt payment purposes to the Revenue Fund. Only $23,600 in bonds was outstanding, which should have been presented years before and on which interest had ceased to accrue.[96]

Before summarizing the foregoing discussion it is necessary to complete the treatment by a short description of the special methods used to tax banks, insurance companies, and railroads, and of the taxes levied for roads and schools.

[94] *Ibid.*, p. 14.

[95] *Aud. Rept.* 1872, pp. xi, xii.

[96] *L.* 1881, p. 25. Some of these bonds have been presented since. *Cf. ibid.*, p. 51; *L.* 1887, p. 58; *L.* 1889, p. 49.

Taxation of Corporations.

Little special effort was made before 1872 to tax corporations in any different manner than by the regular general property assessment. A law passed in 1851, however, prescribed that the shares of the capital stock of banks should be assessed as personal property, the value to be determined by the bank commissioners, and that the tax should be paid by the corporation and not by the individual stockholders.[97] The bank commissioners were directed by an act of 1853 ,to assess incorporated banks on the basis of notes and bills discounted. Stocks deposited by these incorporated banks with the state treasurer were to be taxed at the rate at which they were deposited.[98] In 1857 a law was passed which directed the president or cashier of a bank to list the capital stock of his institution to be taxed as other property. In valuing the stock he was to deduct the amount of the capital invested in real estate and list that separately. Surplus profits and reserve funds were also held to be taxable.

In 1867 the law was so changed as to shift the theoretical base of the tax from the corporation to the stock holders.[99] The value of the capital stock, minus the assessed value of the real estate owned by the bank, was assessed to the owners of the stock, wherever resident. The bank was required to furnish a list of its stockholders. Moreover it was responsible for the payment of the tax. This was accomplished through an arrangement whereby a part of the dividends, sufficient to cover the tax charges, were retained by the banks until notification was received that the taxes had been paid. As the plan actually worked out, of course, the bank assumed all responsibility and considered the tax a charge which had to be met before dividends were declared.

From 1843 until 1853 three per cent of their gross premium receipts was charged foreign life insurance com-

[97] *L.* 1851, p. 165 *et seq.*
[98] *L.* 1853, p. 3 *et seq.*; p. 35 *et seq.*
[99] *L.* 1867, 1 Sp. Sess., p. 6.

panies as a license fee.[100] Gross premium receipts were then made assessable under the general property tax, at the same rates as personal property.[101] This system remained in force until 1869, practically until the end of the period.

Special provision was made for the taxation of railways in an act of 1849. Railway property was to be listed with the auditor by some officer of the corporation and was to be taxed at the regular rates. The income from the taxes on railways was to go toward the extinguishment of the internal improvement debt.[102] No record can be discovered of any revenue collected under this law. In 1853 the entire plan of assessment was changed. The property of the railroad—real and personal property, money and credits—was to be listed in the regular manner with the assessors of the counties where the property was located. The value of the movable property was to be distributed among the local jurisdictions for assessment purposes, in proportion to the value of the real estate and fixed property in each.[103]

Under a law passed in 1855,[104] the return of railway property in counties under township organization was to be made to the county clerk, instead of to the assessor, and the clerk was to lay the return before the board of supervisors when they met to equalize the assessments. The board could accept or modify such return. In all counties the list was to be made up of four classes of proerty. The first was real property, consisting of a description and valuation of every parcel of real property owned by the railway. In the valuation of all the improvements except the track or superstructure were to be included. The second class, called fixed and stationary personal property, consisted of the length and value of main and side tracks and turn-outs and the value of the improvements at the stations where such stations

[100] *L.* 1842-43, p. 165.

[101] *L.* 1853, p. 3 *et seq.*; p. 35 *et seq.*

[102] *L.* 1849, 2 Sess., p. 30.

[103] *L.* 1853, pp. 3, 35 *et seq.* The same system was applied to telegraph companies.

[104] *L.* 1855, p. 35 *et seq.*

were not part of city or town lots. The third class consisted of rolling stock, called "personal property." Finally, the fourth class included all other personal property of the railroad. The length of the whole of the main track in the state and the total value of the rolling stock were also to be given. The rolling stock was to be distributed according to a new plan, *viz.*, in the proportion which the length of the main track in the jurisdiction bore to the whole length of the road. All other property was to be taxed where located.

Taxation for Roads and Schools.

The poll tax continued to be the main support of the roads. By the act of 1841[105] authority was given to require from one to five days of service on the roads. But a supplementary tax on property was also provided. The maximum of this tax varied: it was ten cents on each one hundred dollars of valuation in 1841; twenty-five cents in 1843,[106] and twenty cents in 1845.[107]

Road taxes were levied by the counties until 1849 when that function was surrendered to the townships in the counties which elected to organize under the township system. For each township organized, highway commissioners were elected. Use was made of both the poll tax and the tax on property. All taxable property was levied upon for road purposes with this exception, that for ten years, 1851-1861, only real property was available for this purpose. [108] From 1851 to 1867 the maximum levy on property for road purposes was twenty cents on the one hundred dollars of taxable property; after 1867 the limit was forty cents.

Before 1869 any tax payer who desired to do so could "work out" his property tax on the roads.[109] After 1869,

[105] *L.* 1840-1, p. 237.

[106] *L.* 1842-3, p. 111.

[107] *L.* 1844-5, p. 79.

[108] *L.* 1851, p. 66.

[109] At first his labor for an eight hour day was valued at only $0.62½. This amount was increased to $0.75 in 1851, but it remained at that figure until the end of the period, 1872.

however, the township determined by a majority vote whether the labor system should be used at all.[110]

Non-residents, of course, could not be compelled to labor on the roads. But under the first township organization act their land was subjected to a special levy to compensate for the poll tax imposed upon residents. The charge upon his land was so planned that each non-resident had to provide one day's road labor for each $300 worth of land.

The practice, now so common in Illinois, of vesting independent boards with taxing powers, was not highly developed during the debt payment period. The best example is that accorded by the boards which levied taxes for school purposes. The first levies of this kind seem to have been made in 1855. School taxes before that time were authorized by special vote of the people, and collected by a special collector. The distinctive taxing authority has always been the board of school directors, or in cities, the board of education, such a board being provided for each school district.[111] The law of 1855 gave power to these boards to determine the sum necessary to maintain the schools for six months.[112]

The law of 1857 put no limit on the taxing power of the boards when the receipts were to be used for ordinary expenses[113]; but when money was needed for such purposes as purchasing buildings and grounds and for extending the school term beyond six months, a majority vote of the electors was necessary to levy the tax.

Summary and Criticism.

In the foregoing pages an attempt has been made to tell briefly the story of the payment of the state debt. As has been seen, the state learned the joy of spending bor-

[110] *L.* 1869, p. 406.

[111] An exception should be noted; the Board of Township School Trustees for two years, 1855-57, were empowered to levy a deficiency tax. *L.* 1855, p. 79.

[112] *L.* 1855, p. 51 *et seq.*

[113] *L.* 1857, p. 274.

rowed money before it had learned the terrors of heavy taxation. Before 1838 the rates of taxation were almost insignificant, and the methods of assessment and collection were extremely crude. Under the pressure of necessity, the tax system was improved until in 1853 it approximated very closely the code of 1872 which is still in force to-day.

The changes in the tax laws began in 1839 when the rough classification of lands into grades for taxation purposes was replaced by a plan which assessed land at its true value. Taxable property was more closely defined and personal property was made taxable for state as well as local purposes. The assessor was to make personal visits upon property owners and was authorized to administer oaths.

A backward step was taken in 1841 when a law was passed fixing a minimum valuation of land. Moreover, a law passed two years later reverted to some of the antiquated assessment and collection methods of the previous period. But laws passed in 1845 and 1849 set all these matters right again.

The general property tax was prescribed in the constitution of 1848, a tax was imposed for debt payment, and a township system of organization was provided for such counties as desired it. Some modifications were made in the statutes to accommodate them to the new constitution. But a thorough revision of the code was not made until 1853.

If to the code of 1853 one adds an oath requirement, the railway tax law of 1855, and the sections dealing with the state board of equalization, the result would closely resemble the present tax code of the state. The description of taxable property and the general processes of assessment and collection are strikingly similar. It was under the provisions of this law of 1853 that the people of Illinois raised such enormous sums for debt payment.

Before 1848, when the new constitution was drafted, the state was in no position to raise large sums by taxation. Only the remarkable economic development of the state in

the thirty years under discussion made the payment of the debt possible. It can not be too strongly stated that there was no magic in the manner in which the debt was cleared away. The general property tax was helpless in the early forties and had to wait until economic conditions reached the stage where large levies might safely be made. Between 1840 and 1870 the population increased five hundred per cent (from 476,183 to 2,539,891). In 1850 the state contained only one-third as many people as in 1870 (851,951). In 1850 Chicago contained 29,963 persons; in twenty years it increased ten-fold.[114]

The assessed values of taxable property, in spite of the fact that they are much smaller than they should be, tell the same story of remarkable expansion. Table 8 shows the local assessments year by year.

TABLE 8.(a)

LOCAL ASSESSMENTS, 1839-1872.

1839	58,889,525	1856	349,951,272
1840	58,752,168	1857	407,477,367
1841	70,166,053	1858	403,140,321
1842	72,605,424	1859	366,702,053
1843	72,416,800	1860	367,227,742
1844	75,747,765	1861	330,823,479
1845	82,327,105	1862	312,924,349
1846	88,815,403	1863	331,999,871
1847	92,406,493	1864	356,877,837
1848	102,132,193	1865	392,327,906
1849	105,432,752	1866	410,894,993
1850	119,868,336	1867	502,638,344
1851	137,818,079	1868	464,278,913
1852	149,294,805	1869	480,859,732
1853	225,159,633	1870	480,031,703
1854	252,756,568	1871	499,636,910
1855	334,398,425	1872	508,875,392

(a) J. A. Fairlie, *Report on the Taxation and Revenue System of Illinois* (Danville, Illinois, 1910), pp. 202, 203.

From the data presented in this table and the census figures given above it would appear that the assessed value of taxable property increased twice as fast as population.

[114] *Census of 1850*, p. 701; *Census of 1870, Population and Social Statistics*, pp. 23, 110.

TABLE 9.

STATE TAX RATES, 1839-1872.

Date	Revenue Cents	Interest Cents	Insane Hosp. Cents	State Debt. Cents	Blind Asylum Cents	School Fund Cents	War Interest Cents	Canal Redemption Fd. Cents	Total Cents
1839	20								20
1840	20								20
1841	20	10							30
1842	15								15
1843	20								20
1844	20								20
1845	20	10							30
1846	20	15							35
1847	20	15	2						37
1848	20	15	2						37
1849	20	15	2	20	1				58
1850	20	15	2	20	1				58
1851	20	15	3⅓	20	2				60⅓
1852	20	15	3⅓	20	2				60⅓*
1853	10	15	3⅓	20	1				49⅓
1854	10	15	3⅓	20	1				49⅓
1855	12	15		20		20			67*
1856	12*	15		20		20			67
1857	12*	15		20		20			67*
1858	12	15		20		20			67
1859	12*	15		20		20			67*
1860	12	15		20		20			67
1861	*	15				20	5		40*
1862	*	15				20	5		40*
1863	12	15		20*		20	5		72*
1864	12	15		20		20	5		72*
1865	12	15		20		20	5		72
1866	12	15		20		20	3		70
1867	25	12		20		20			77
1868	15	10		20		20			65
1869	80	10		20		20			130
1870	25			20		20			65
1871	55					20		15	90
1872	35 3/10	4 7/10				20		15	75

*No officer of the government took it upon himself to report regularly the rate of taxation levied each year. The information given above has been gathered from widely scattered sources—all official, however. No direct statement was found to the effect that the rates marked with the asterisks were actually levied. The data in these cases are based upon laws authorizing the levies. The total rate for 1852 is given as 60⅓. One statement was found which gave this rate as 60, but it is believed that this is a misprint. *Aud. Rept.* 1854, p. lxv.

The rates levied upon this taxable property varied greatly during the period. Table 9 gives these rates so far as it has been possible to determine them. The rate for revenue purposes shows, until the later years, a tendency to decrease. It is in this rate that the greatest irregularities appear, due to its determination in the late years of the period on the basis of the appropriations made by the legislature. More or less complaint was made of the weight of the taxes all through the period, but particularly, as one would expect, during the years of industrial depression.

During this period the general property tax established its reputation. But its good name rests entirely upon a fiscal foundation. It succeeded in bringing large sums into the treasury, but this end was accomplished only at the cost of considerable injustice and inefficiency. All through the period the assessors found difficulty in reaching all property and assessing it at its real value. One who believes that complaints about the tax system are of recent origin, that they are hasty attacks of reformers upon an institution with a long and honorable history, will be quickly disillusioned if he reads the official documents of the debt-payment period. Property in general was undervalued fifty per cent in 1852. Moreover, there were great inequalities. "Property of equal value in adjoining counties was assessed at rates varying fifty per cent and in some cases even more."[115]

The law of 1853 did not help matters much. "Either the law is not understood or it is not considered good authority," was the discouraged conclusion of the auditor, for in his opinion there could "be little doubt" that there was great undervaluation.[116] The following excerpt from the auditor's report for 1862 has a familiar ring:

> I have learned of several instances where candidates for the office of assessor have openly offered, as an inducement to voters, that, if elected, they would assess property at rates less than its value. It has also been suggested to me that it is the practice of town assessors to meet

[115] *Aud. Rept.* 1854, p. 5.
[116] *Ibid.* 1856, p. 5.

and agree on fixed uniform rates for valuing each description of property taxed, without regard to the lands or other property listed.[117]

In 1866 the valuations were declared by the auditor to be "manifestly below the actual worth of the property."[118] In spite of the efforts of the state board of equalization, undervaluation persisted to the very end of the period. In 1870 the assesment of property did "not exceed . . . one-quarter of its actual value."[119]

In addition to the undervaluation and inequality, the assessment was marked by a considerable degree of irregularity. The case of the refusal of the officers in various counties to assess property under the act of 1837 has already been noted.[120] Less serious disturbances and delays are referred to in almost every volume of the session laws.[121] In 1846 the auditor complained that at least one-half the assessors did not complete their assessment within the period required by law.[122] Tardiness and irregularity in assessments involved irregularities in collection and difficulties in tax sales.[123] In addition there seems to have been considerable dishonesty among collectors. In 1850, the auditor complained about "the large amount lost annually by defalcation of collectors."[124]

In spite of poor administration the tax system proved equal to the strain laid upon it in the debt-payment period. Even with the complications of the Civil War the system emerged with a good record as a revenue producer. But the highest praise which can fairly be given the general property tax in this, the most successful period of its existence, is to say that it was a system which fitted in a rough and ready fashion the rather crude economic conditions of the time.

[117] *Ibid.* 1862, p. 5.

[118] *Ibid.* 1866, p. 6.

[119] *Ibid.* 1870, p. 4.

[120] *Supra*, p. 82.

[121] *Cf.*, L. 1842-43, p. 14; *L.* 1849, 1 Sess., p. 121; *L.* 1853, p. 236 etc.

[122] *Aud. Rept.* 1846, p. 38.

[123] *Cf., ibid.*, 1848, p. 15; *ibid.*, 1850, p. 2; *L.* 1844-45, pp. 163, 183, 199; *L.* 1846-47, p. 75 *et seq.*

[124] *Aud. Rept.* 1850, p. 23; *cf., L.* 1842-43, pp. 68, 239.

D. THE PRESENT-DAY PERIOD, 1872-1913

CHAPTER VII

Taxable Property in General and its Assessment

In 1910 Illinois with 5,638,591 people was the third state in the union in population; in 1870 it had less than half that number (2,539,891). In the importance of its manufactures it was surpassed only by New York and Pennsylvania, but the rate of increase in Illinois has been greater than either of these states. Between 1902 and 1909 the state has pushed from sixth to second rank in mining.[1] A few facts such as these are sufficient to show clearly that the problems of Illinois are no longer the problems of a thinly settled, agricultural community. Commerce and industry have developed and have earned for themselves places beside agriculture. Moreover, Chicago, with less than 300,000 inhabitants in 1870, has grown to be the second city in the United States and her growth has raised problems for Illinois which can scarcely be matched by those in any other state. Within one hundred years this whole development has come about. A century ago there were no cities, no mines, no commerce, no manufactures, and almost no population. During this entire time the principle of the general property tax has been in force. How slight were the modifications made in the system must have been impressed upon any one who has read the foregoing pages. The origin of the system and its adaptation to the needs of the trying period of debt payment have been described. It remains to show to what extent the present code, arrived at after a slow, evolutionary process, and established in almost exactly its present form, over forty years ago, has met the needs of this new industrial state.

[1] *Thirteenth Census, Abstract*, p. 543.

The revenue law in force in the state was formulated in 1872. It rests upon the foundation laid by the revenue section of the constitution of 1870. The law has been modified in a number of particulars during the last forty years, especially in 1898, when the assessment arrangements were given an overhauling, but it has never been supplanted by a new general law.[2] When it was introduced in 1872 it was not, in many particulars, a new law; it was for the most part merely a codification of statutes already existing. Certainly such a codification was needed, for it appears from the repealing clause that the new measure replaced nearly fifty old acts of the legislature.[3]

The movement for a new revenue law in 1872 seems to have found its source in the state board of equalization, which as a fountain of reform suggestions has long since gone dry. In taking up its duties in 1867 the board found the existing code to be inadequate and ineffective. In 1868 resolutions were passed recommending a revision of the law.[4] Three years later the revenue measure, drawn up by the chairman and secretary of the board, was laid before the General Assembly. While under consideration it was actively supported by the board and upon its adoption, the board did not hesitate to assume credit and responsibility for the new law.[5]

CONSTITUTIONAL PROVISIONS.

Although the new law was passed soon after the adoption of the constitution of 1870 it can not be said to have been made necessary by the constitution; for the revenue article in the new constitution did not differ greatly from that of the constitution of 1848.

The necessary state revenue was to be obtained, as under the old constitution, by a tax which should fall upon the owners of property in proportion to the value of

[2] *L.* 1898, p. 36.
[3] *L.* 1871-72, p. 69.
[4] *Proceedings of the State Board of Equalization,* 1868, p. 81.
[5] *Ibid.,* 1867, pp. 37-39, 58, 59; 1870, Oct. 7 to Oct. 27; 1872, p. 61.

the property owned. No provision, it was true, was made for a capitation tax. The list of "pedlars, auctioneers, etc.," who could be taxed in such manner as the assembly should direct, was augmented by the addition of liquor dealers, insurance, telegraph and express interests or business, vendors of patents, and corporations owning or using franchises or privileges; but a specification was added that such taxes should be levied by general law and be made uniform as to the class affected. The exemption clause was made more specific; property "used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes," might be relieved of tax charges. Some modifications were made in the provisions regulating tax sales and redemption, making them more general. The General Assembly was forbidden to release any local body from its share of the state tax.[6] All taxes levied for state purposes were to be paid into the state treasury. A tax limit of seventy-five cents on the hundred dollars valuation was imposed upon counties, exception being made in case the tax was levied to pay debts previously contracted. A higher rate might be levied, however, upon vote of the people. A debt limit of five per cent of the assessed valuation was placed upon all local bodies; and such bodies, when incurring a debt in the future, were required to make provision for the accumulation of a repayment fund through direct taxation.[7] Local improvements might be paid for "by special assessments or by special taxation of contiguous property or otherwise."

PROPERTY TAXED AND EXEMPTED.

The general statement of property subject to taxation in Illinois since 1872 reads as follows: first, all real and personal property in this state; second, all moneys, cred-

[6]By an act passed in 1872, the legislature sought to bring about the condition of uniformity prescribed here. *L.* 1871-72, p. 753.

[7]This does not comprehend the amendment of 1890 for World's Fair bonds. *L.* 1890, p. 8.

its, bonds or stocks and other investments, the shares of stock of incorporated companies and associations, and all other personal property, including property *in transitu* to or from this state; third, the shares of capital stocks of banks and banking companies doing business in this state; and fourth, the capital stock of companies and associations incorporated under the laws of this state.[8]

This statement of taxable property has stood undisturbed during the entire forty years, except for one amendment in 1905 which exempted the capital stock of certain corporations but which was promptly declared unconstitutional.[9]

Of the property included in the foregoing statement the following classes have been designated by the General Assembly as exempt from taxation:[10]

first, school lands donated by the United States, not sold or leased and all property used exclusively for school purposes;[11] *second;* all property used exclusively for religious purposes, or used exclusively for school and religious purposes, and not leased or otherwise used with a view to profit;[12] *third,* all lands used exclusively as grave yards or grounds for

[8]*L.* 1871-72, p. 1.

[9]*Infra,* p. 201; *L.* 1905, p. 353; Consolidated Coal Co. *v.* Miller, *236 Illinois 149* (1908).

[10]The constitutional provision under which these exemptions have been made reads as follows:

"The property of the state, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate encumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property." Par. 3, Art. VIII, Constitution of 1870.

The language of the law of 1909 exempts all property belonging to schools, whether it is exclusively devoted to school purposes or not, provided that it is not used with a view to profit. The supreme court has declared this broad exemption unconstitutional. The People *v. Deutsche Gemeinde, 249 Ill. 132* (1911).

[11]*L.* 1913, p. 511. In 1909 the wording was changed from that of the act of 1872. *L.* 1909, p. 309.

[12]The law of 1872 was slightly narrower than this. *L.* 1871-72, p. 1; *L.* 1909, p. 307. In 1905 residences used by persons devoting their entire

burying the dead; *fourth,* all unentered government lands; all public buildings or structures of whatsoever kind, and the contents thereof, and the land on which the same are located, belonging to the United States; *fifth,* all property of every kind belonging to the State of Illinois; *sixth,* all property belonging to any county, town, city, or village, used exclusively for the maintenance of the poor; all swamp or overflowed lands belonging to any county, so long as the same remain unsold by such county; all public buildings belonging to any county, township, city or incorporated town, with the ground on which such buildings are erected, not exceeding in any case ten acres; *seventh,* all property of institutions of public charity, when actually and exclusively used for such charitable purposes, not leased or otherwise used with a view to profit; and all free public libraries;[13] *eighth,* all fire engines or other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and the lot of reasonable size on which the building is located, when belonging to any city, village or town; *ninth,* all market houses, public squares or other public grounds used exclusively for public purposes; all works, machinery, and fixtures belonging exclusively to any town, village or city, used exclusively for conveying water to such town, village or city; all works, machinery and fixtures of drainage districts, when used exclusively for pumping water from the ditches and drains of such district for drainage purposes;[14] *tenth,* all property which may be used exclusively by societies for agricultural, horticultural, mechanical and philosophical purposes, and not for pecuniary profit.

In 1905 the following section was added,[15] but the exemption was declared unconstitutional:[16]

time to church work were exempted (*L.* 1905, p. 357) but the act was declared unconstitutional. Consolidated Coal Co. *v.* Miller, *236 Ill. 149* (1908). An amendment to the general incorporation law in 1889 restricted the amount of land a religious corporation could acquire to twenty acres, only ten of which were to be exempt from taxation. *L.* 1889, p. 94.

Trust funds, the incomes from which were devoted to cemetery improvement, ornamentation, etc., were exempted in 1889. *Ibid.,* p. 63. By a law passed in 1895, cemetery associations were restricted in their acquisition of land to an amount necessary for burial purposes. *L.* 1895, p. 81. A law passed in 1903 provided that cemetery associations to be exempt must pay no dividends. *L.* 1903, p. 90.

[13]The wording of this section was slightly changed in 1909. *L.* 1909, p. 309. The statement of the exemption of library property was amplified in 1891. *L.* 1891, p. 157.

[14]The addition of the property of drainage districts was made in 1913. *L.* 1913, p. 511.

[15]*L.* 1905, p. 357.

[16]Supreme Lodge *v.* Board of Review, *223 Ill. 54* (1906).

eleventh, all the money collected and on hand within this state of every kind and nature of fraternal beneficial societies and the subordinate lodges thereof which are organized and exist or admitted to do business under the laws of the State of Illinois, and used exclusively for the purposes of such societies, and not for pecuniary profit.

Unsuccessful also have been the repeated attempts to secure the exemption of the stock and notes of mutual building, loan and homestead associations. In 1887[17] it was declared by statute that since all money paid to such corporations was at once loaned and placed into taxable property, the shares of stock and notes "being simply evidence as to where such money has been placed, therefore such stock and notes shall not be subject to taxation." The courts declared the exemption unconstitutional.[18] In 1895 the legislature made the stock taxable but allowed a deduction for real estate owned by the corporation. In 1901 another attempt was made to exempt the stock. "No stock of such association," the new proviso read, "while pledged upon by, and pledged as security to the association assuming it, to an amount equal to the par value of such stock, shall be subject to assessment." But when this law was tested in the courts it also was declared to be contrary to the constitution.[19]

The Illinois revenue law, then, defines taxable property in the most inclusive fashion. Property of every description is included within its scope. Only the most meagre exemptions are allowed by the constitution and, moreover, the courts construe the constitutional exemptions in the strictest manner.

[17] *L.* 1887, p. 131; the same provision is included in the law of 1891. *L.* 1891, p. 89.

[18] Loan and Homestead Association *v.* Keith, *153 Ill. 609* (1894).

[19] *In re* St. Louis Loan and Investment Co. *194 Ill. 609* (1902). A law of 1872 exempted members of fire companies from the road tax and a law of 1895 provided that no taxes should be levied on teachers' pension funds. *L.* 1871-72, p. 455; *L.* 1895, p. 312.

ASSESSMENT METHODS.

State and Local Officials.

Although, under the system in vogue, the greater part of the burden of assessing property falls upon the local authorities, a certain share of the responsibility is assumed by the state. To the local assessors is assigned the task of listing land, lots, improvements and personal property, both tangible and intangible; but in a few cases where, because of their limited jurisdiction and for other reasons, the local assessors have proved particularly inefficient, they have been relieved of the task of attempting to fix assessment values, and this function has been assigned to the state board of equalization. Thus, the assessment of "corporate excess" of corporations and the assessment of most railway property is made by this central authority. The assessment methods of the state board of equalization are considered in the treatment of railroad and corporation taxation and the local assessment receives detailed consideration where the topics of real estate and personal property assessment are discussed.[20] But before these special topics are taken up, the machinery of local assessment which is used indiscriminately in both the real estate and the personal property assessments will be sketched in general outline.

When counties are organized by the township system, the township is the unit for assessment purposes; where there are no townships, the county is utilized. The only exception is Cook County, where since 1898, in spite of its township organization, a special method has been used.[21] The officials of these local units assess the great bulk of the property which forms the base on which state taxes are levied, with the scantiest sort of supervision on the part of any central authority. The state auditor is required to prepare forms which are sent to the local officers, and gives his opinion and advice when asked to do so.[22] But

[20] *Infra*, pp. 138 *et seq.*, 166 *et seq.*, 200 *et seq.*

[21] *L.* 1898, p. 37. This phase of the law was sustained by the supreme court. The People *v.* Comrs. of Cook County, *176 Ill. 576* (1898).

[22] *L.* 1871-72, p. 64.

this constitutes the sum total of the state's interference with local officials. Effective oversight and criticism, such as is now provided in a number of states, is here entirely absent.

Valuation of Property.

From 1872 to 1898 the statutes prescribed that all property should be assessed at its fair cash value.[23] In 1898 the legislature recognized the existing undervaluation by declaring that the assessed valuation for the purposes of taxation and limitation of indebtedness should be one-fifth of the full value.[24] Two columns were to be provided in the assessment books; one was to be headed "full value," and one-fifth of the amount appearing here was to be set down in the second column marked "assessed valuation." In 1909 this fraction was raised to one-third.[25] Theoretically, this scheme for distinguishing between the real and the assessed valuations has nothing to recommend it. As has been pointed out by one critic, it was invented by some "legislator, who argued that the tax payers would be more willing to make honest schedules if they could be fooled into the idea that they were paying taxes on only one-fifth of their property." Strange as it may seem, the local assessors do find the scheme of some practical value in that they can often persuade a man to raise the valuation on his property by explaining that he will be taxed on only one-third of what he declares anyway! Indeed the law itself seems to be drawn with the idea of deceiving the property owner by making him believe that in some manner this legalized undervaluation will result in lower taxes. Thus the explanatory notice which is printed on every schedule of personal property reads: "You are to give a full, fair cash value of the articles mentioned as well as the amount of money required to be returned. *Only* one-fifth of the several amounts will be taken and assessed

[23] *Ibid.*, pp. 2, 3.
[24] *L.* 1898, p. 36.
[25] *L.* 1909, p. 308 *et seq.*

for the purpose of taxation."[26] The high tax rate necessitated by this legal undervaluation is often misunderstood by persons unfamiliar with the situation and in numberless cases has doubtless worked to the disadvantage of the state.

Local Assessors.

In counties with townships, each township elects its own assessor.[27] Under the law of 1872 there was one assessor for each township. From 1894 to 1898 those townships which desired it and had a population of from 40,000 to 100,000 could have a board of three assessors in place of a single assessor, but this arrangement was discarded in 1898.[28] Since 1898 a county supervisor has been provided, in the person of the county treasurer *ex officio*, whose function is to oversee the work of the township assessors.[29] He assembles all the assessors annually for consultation and instructions as to the methods of assessment to be followed.

In the counties which are not organized under the township system, the county treasurer acts as county assessor,[30] and appoints deputy assessors.[31] For a short time the county assessor was appointed by the county board under the law of 1872 which stated that some person should be thus appointed to act as assessor until provision should be made by the legislature for the election of an assessor.[32] An act passed in 1873 brought about the present state of affairs where the county treasurer acts as assessor.[33]

[26] *L.* 1898, p. 36.

[27] In townships included within cities the city clerk acts as township assessor. *L.* 1901, p. 314.

[28] *L.* 1893, p. 73; *L.* 1895, p. 317; *L.* 1898, p. 36.

[29] *Ibid.*, p. 36; *L.* 1903, p. 295.

[30] *L.* 1898, p. 36; *L.* 1903, p. 299.

[31] *L.* 1871-72, p. 20. The provision of the act of 1898 which specifically allows county assessors to district their counties and appoint assessors was repealed in 1903. *L.* 1898, p. 96; *L.* 1903, p. 295.

[32] *L.* 1871-72, p. 20.

[33] *Revised Statutes*, 1874, p. 455.

The change in the manner of selecting assessment officials in Cook County came in 1898. The experience of electing assessors of townships had proved very unsatisfactory. Inefficiency was evident upon the face of the returns and corruption was freely charged.[34] It was in an attempt to remedy this condition that Cook County was made an exception and given different assessment officials from those of other counties organized by townships. The general supervision of the assessment is now entrusted to a board of five persons, one or two elected every second year for a term of six years. This board appoints deputy assessors for all townships in the county except those which lie, in part at least, outside of Chicago.[35]

The Cook County board of assessment is to a great extent subject to the supervision of the county board of review, consisting of three elected members. Thus the board of review must approve the compensation of assessors, the amount and the compensation of clerical help employed by the assessment board, as well as all appointments of deputy assessors.[36]

The general system of township assessors was sharply attacked in the report of the revenue commission of 1886.[37] The abolition of the system and the substitution of a county assessor elected for four years, with power to appoint deputies, was one of the commission's recommendations but it suffered the common fate of all the reform suggestions.

The compensation of the assessors varies with the size of the county. Since 1898 limits have been fixed in the statutes.[38] All assessors are bonded to a minimum of $2,000 in Cook and to a maximum of $500 in other counties, and each assessor must have two or more "sufficient sureties."

[34]S. E. Sparling, *Municipal History of Chicago* (Madison, Wis., 1898), p. 106; *Chicago Tribune*, Feb. 25, 1898; R. H. Whitten, "The Assessment of Taxes in Chicago," *Jo. Pol. Econ.*, V, 175.

[35]*L.* 1898, p. 36; *L.* 1899, p. 335; *L.* 1913, p. 509 *et seq.*

[36]*L.* 1899, p. 335.

[37]*Report of Revenue Commission*, 1886, pp. vi, vii.

[38]*L.* 1898, p. 295; *L.* 1903, p. 299.

Township assessors were formerly elected annually but in 1909 their term was lengthened to two years.[39] In counties without townships the term of the county treasurer, who is also the county assessor, was made two years by the law of 1873,[40] but this was changed to four years in 1881.[41]

The revenue law of 1872 required that all assessors take the regular oath prescribed for state officers by the constitution.[42] But the law of 1898 went further and provided the following special oath for assessors:

I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge all the duties of the office of assessor, deputy assessor, or supervisor of assessments (as the case may be), to the best of my ability; that I will without fear or favor appraise all the property in said county at its fair cash value, said value to be ascertained at what the property would bring at a voluntary sale in the due course of business and trade; and that I will assess said property when so appraised at one-fifth[43] of its said cash value; that I will cause every person, company, or corporation assessed to sign his, her, or its assessment schedule, and I will administer to each and every person so signing said assessment schedule the oath thereon, and return said schedule so signed and file the same with the county clerk.[44]

Special penalties were provided in 1898 for tax officials who failed to do their full duty. Threats to apply these penalties have been used to good effect as a club over the heads of negligent officials.[45] Guilty assessors, as well as other tax officers, may be fined for each offense from $100 to $5000 and imprisoned in the county jail for one year. They are also liable upon their bonds for damages in case the interests of any one have been injured by the misconduct.[46]

[39] *L.* 1898, p. 36; *L.* 1909, p. 470.
[40] *Rev. Stat.* 1874, p. 455.
[41] *L.* 1881, p. 62.
[42] *L.* 1871-72, p. 20.
[43] One-third by amendment of 1909, *L.* 1909, p. 308 *et seq.*
[44] *L.* 1898, p. 36.
[45] Notably in the Chicago Teachers' Federation case.
[46] *L.* 1898, p. 36.

Return of Assessment Lists.

The manner in which the local assessors proceed to do the actual work of listing property for taxation and how the assessments are equalized are considered in detail in another place.[47] Suffice it to say that after this part of the work is completed,[48] the assessors sum up their books and prepare statements of the detailed assessments contained therein. After they have verified their assessment books by an affidavit, all the documents are turned over to the county clerk, passing, on the way, through the hands of the county treasurer as county assessor or as supervisor of assessments.[49]

Before 1898 township assessments were subject to review by a town board. At present Cook County has a review by the county board of assessors before the formal review by the county board of review. In other counties the assessment receives its first review by the county board of review.

The county clerk makes an abstract of the county assessment and forwards it to the auditor for the use of the state board of equalization.[50]

Publication of Assessments.

In 1898, in the vain hope that publicity would prevent undervaluation, the law was so changed as to require the publication of the assessment lists. Newspapers were to be used for this purpose in all counties except Cook where pamphlets were to be printed and sent to all taxpayers.[51] In all counties except Cook, the assessment is published as soon as made, before review. Here the real estate assessment is not published until the changes made by the board of review can be included.[52]

[47] *Infra*, pp. 141 *et seq.*, 166 *et seq.*, 173 *et seq.*

[48] This must be done before June 10; previous to 1898, before July 10.

[49] *L.* 1871-72, p. 23; *L.* 1879, p. 244; *L.* 1881, p. 134; *L.* 1898, p. 36.

[50] *L.* 1871-72, pp. 23, 26; *L.* 1873-74, p. 57; *L.* 1879, p. 244; *L.* 1881, p. 134; *L.* 1898, p. 36.

[51] *Ibid.*, p. 45.

[52] *L.* 1905, p. 361; *L.* 1907, p. 499.

CHAPTER VIII.

The Assessment of Personal Property.

THE PROCESS OF ASSESSMENT.

Definitions and Deductions.

Although the law clearly defines real estate, it gives no formal definition of personal property. It is evident from the description of real estate that land, "buildings, structures, and improvements, and permanent fixtures" are not considered personal property.[1] Moreover several types of property are specifically designated in the law as personal property; among these are money secured by deed, nursery-stock, franchises, accrued interest on exempted stocks and bonds, a purchaser's interest in exempted lands, gas mains and pipes, street railway tracks and roads and bridges owned by private companies.[2] The capital stock of corporations is also considered personal property under the revenue law. However the stock of corporations organized under the laws of Illinois, with certain exceptions, is assessed by the state board of equalization and this topic is treated elsewhere. The local assessor is supposed to list as personal property the value of the capital stock of the excepted corporations, *e. g.* "those organized for purely manufacturing and mercantile purposes or for either of such purposes, or for the mining or sale of coal, or for printing, or for the publishing of newspapers, or for the improving or breeding of stock."[3]

A more distinct conception of what the assessors attempt to list as personal property may be gained by reading the items in the schedule which must be filled out by every property owner. Under these thirty-six items fall

[1] *L.* 1871-72, p. 68.
[2] *Ibid.*, pp. 5, 6, 11.
[3] *Ibid.*, p. 2; *L.* 1905, p. 353.

all possible varieties of property, except those described as real estate. The schedule is as follows:

First, the number of horses of all ages, and the value thereof; second, the number of cattle of all ages, and the value thereof; third, the number of mules and asses of all ages, and the value thereof; fourth, the number of sheep of all ages, and the value thereof; fifth, the number of hogs of all ages, and the value thereof; sixth, every steam engine, including boilers, and the value thereof; seventh, every fire or burglar-proof safe, and the value thereof; eighth, every billiard, pigeon-hole, bagatelle, or other similar tables, and the value thereof; ninth, every carriage and wagon, of whatsoever kind, and the value thereof; tenth, every watch and clock, and the value thereof; eleventh, every sewing or knitting machine, and the value thereof; twelfth, every pianoforte, and the value thereof; thirteenth, every melodeon and organ, and the value thereof; fourteenth, every franchise, the description and the value thereof; fifteenth, every annuity and royalty, the description and the value thereof; sixteenth, every patent right, the description and value thereof; seventeenth, every steamboat, sailing vessel, wharf boat, barge or other water craft, and the value thereof; eighteenth, the value of merchandise on hand; nineteenth, the value of material and manufactured articles on hand; twentieth, the value of manufacturer's tools, implements and machinery (other than boilers and engines, which shall be listed as such); twenty-first, the value of agricultural tools, implements and machinery; twenty-second, the value of gold or silver plate and plated ware; twenty-third, the value of diamonds and jewelry; twenty-fourth, the amount of moneys of bank, banker, broker, or stock-jobber; twenty-fifth, the amounts of credits of bank, banker, broker, or stock-jobber; twenty-sixth, the amount of moneys of other than bank, banker, broker, or stock-jobber; twenty-seventh, the amount of credits of other than bank, banker, broker, or stock-jobber; twenty-eighth, the amount and value of bonds and stocks; twenty-ninth, the amount and value of shares of capital stock of companies and associations not incorporated by the laws of this state; thirtieth, the value of property such person is required to list as a pawnbroker; thirty-first, the value of property of companies and corporations other than property hereinbefore enumerated; thirty-second, the value of bridge property; thirty-third, the value of property of saloons, and eating houses; thirty-fourth, the value of household or office furniture and property; thirty-fifth, the value of investments in real estate and improvements thereon required to be listed under this Act; thirty-sixth, the value of all other property required to be listed.[4]

Several of the items of this schedule need explanation before they become intelligible. *Credits* are defined in the

[4] *L.* 1871-72, pp. 7, 8.

law as "every claim or demand for money, labor, interest, or other valuable things, due or to become due, not including money on deposit."[5] But *Credits of bank, banker etc.* are by no means coördinate with *Credits of other than bank, banker etc.* Bankers' credits are arrived at by the following method: from "the amount of checks or other cash items" (excluding money on hand or in transit and funds in the hands of others subject to draft) and "the amount of bills receivable, discounted or purchased, and other credits due or to become due, including amounts receivable and interest paid and unpaid," is subtracted "the amount of all deposits made with them by other parties" and "the amount of all accounts payable other than current deposit accounts."[6] Formerly the "amount of checks and other cash items" was taxed as moneys and was therefore not subject to deduction.[7]

The item of *Credits of other than bank, banker etc.*, is not the sum total of all the valuable claims of the taxpayers who are not in the banking business, for before a property owner sets down the amount of his credits, he is permitted to make certain deductions for debt.

The deductions allowed appear to be more substantial than they really are. In the first place deductions for debts can be made only from *credits*.[8] Debts can not be used to offset any other property on the assessment roll. Unless a man owns something which falls under the technical definition of a credit, he may be utterly bankrupt with debts and yet unable to secure a deduction from his assessment. Moreover, not all debts are considered valid for deduction purposes; the law specifies that no deduction shall be allowed on account of any obligations to insurance companies on premiums or policies, unpaid subscriptions to religious, charitable, and other societies, or unpaid installments on the capital stock of any corporation. Finally, not all credits, even, may be offset by debts; it is provided

[5] *Ibid.*, p. 68.
[6] *Ibid.*, p. 10; *L.* 1903, p. 294.
[7] *L.* 1871-72, p. 9.
[8] *Ibid.*, pp. 8, 9.

that no deduction shall be allowed from the amount of any bonds, stocks, or money loaned. Thus, after all the conditions have been met, little of importance except book-accounts for goods sold are legally subject to deduction for debt.

No one can find a theoretical justification for the policy pursued in Illinois in the deduction of debts. For example, money due in payment for a loan is a credit not subject to deduction. Money due in payment for goods sold is a credit also, but is subject to deduction. Such distinctions must base whatever justifications they may have on the ground of expediency. It is interesting to note that local tax officials say that these distinctions are not always observed in actual practice. Thus notes held in part payment for land are many times declared not subject to deduction for debts.

Moneys of bank, banker etc. are described as "the amount of money on hand or in transit," and "the amount of funds in the hands of other banks, bankers, brokers, or others, subject to draft."[9] Moreover, the figures appearing under the *Bank, banker etc.* items do not include the property of the state and national banks which are taxed in a different manner. [10] The other items of the schedule of personal property need no explanation.

Manner of Listing.

Every person in the state is called upon annually to list his personal property.[11] When intangible personal property is to be assessed, self-assessment seems almost inevitable. The only type of personal property which the assessor attempts to reach without the aid of a confession by the individual property owner, is the stock of the state and national banks. A particularly archaic provision to continue upon the statutes of a woman suffrage state is that which provides that the property of a wife shall be listed "by her husband, if in sound mind; if not, by herself."

[9] *Cf. supra,* pp. 128-129.
[10] *Infra,* p. 212.
[11] *L.* 1871-72, p. 3.

Since 1898, property has been listed in April and May, with reference to the amount owned on April first.[12] Formerly the assessments had been made one month later, during May and June.[13]

The general rule that personal property is listed where the owner resides is not adhered to in all cases.[14] Thus the capital stock and franchises of corporations are taxed where the principal office is located; in case the owner of live stock or other personal property connected with a farm does not reside on it, such property is listed where the farm lies rather than where the owner lives; a purchaser's interest in exempted lands is taxed where the lands are situated; water craft are taxed where licensed; property of companies such as banks, bankers, brokers, stock-jobbers, etc., is assessed where their business is carried on;[15] Illinois life insurance companies are taxed where, according to the articles of incorporation, their principal office is located, unless another place has been chosen;[16] gas mains and pipes, street railway tracks, roads and bridges are taxed where laid or located; the property of stage, express, or transportation companies is taxed where usually kept.

To secure the listing of personal property the law provides that the assessor call upon each resident of the state during the assessment period, and require him to fill out and sign an itemized schedule.[17] In case of sickness or absence at the time of the call, a blank is left which is to be filled out and returned to the assessor. If, for any reason, a person fails to fill out this schedule, he must submit to taxation on the basis of a statement made out by the asessor according to his best judgment and information.[18]

[12] *L.* 1898, p. 36.
[13] *L.* 1871-72, p. 3.
[14] *Ibid.*, pp. 4, 5, 6.
[15] *L.* 1905, p. 356.
[16] *Ibid.*
[17] *L.* 1871-72, pp. 2, 21. For this schedule see *supra*, p. 139.
[18] *Ibid.*, p. 22.

Oaths and Penalties.

Before 1879 the law permitted, and since 1879 it has required that the assessor administer an oath to every person making out a schedule.[19] He may also examine under oath any person whom he may suppose to have knowledge of the personal property of any one who refuses to fill out his schedule.[20] Finally, a special oath is prescribed in cases where debts are presented to counterbalance credits.[21]

The assessor is supported by elaborate penalties in his task of securing the listing of personal property. Since 1879, it has been the law that fifty per cent shall be added to the assessor's estimate of the property of the person who refuses to make out a schedule.[22] Moreover, refusal to schedule such property was made a misdemeanor punishable by fine. If a person swears falsely he is to be prosecuted for perjury.[23] In case property is discovered which has been escaping taxation in the past, back taxes with ten per cent interest are to be collected.[24] By the law of 1898 the person who turns in a false or fraudulent statement with the intention of defeating or evading the law renders himself liable to the heavy punishment of a fine of $5,000 and imprisonment for one year.[25] As a spur to the zeal of the state's attorney in prosecuting such cases, a special

[19] *Ibid.*, p. 8; *L.* 1879, p. 252.

[20] *L.* 1871-72, p. 21.

[21] *Ibid.*, p. 9.

[22] *L.* 1879, p. 252; *L.* 1898, p. 36.

[23] *L.* 1871-72, p. 8.

[24] *Ibid.*, pp. 64, 65. The force of this section was partly overcome by a decision of the supreme court in 1885. Allwood *v.* Cowen *et al.* *111 Ill. 481* (1885). It was held that in the case of credits, the assessor assumed a judicial position and that, therefore, his act could not be reviewed by another assessor in after years. But actually this judicial activity is only a simple arithmetical calculation. Every person who desires a deduction for debt must list both his debts and credits; the assessor merely subtracts the one from the other. *Cf.* The People *v.* Sellars, *179 Ill. 170* (1899).

[25] *L.* 1898, p. 51. By a law of 1872 a lighter penalty was provided. *L.* 1871-72, p. 17.

fee of twenty dollars for each conviction together with ten per cent of all fines collected was allowed. Moreover, the board of review[26] has power to call witnesses, assessors or others, and to inquire of them as to the correctness of valuations. Special punishment of fine and imprisonment is provided for the assessor who breaks his pledge to assess all property according to the law, to compel every person to sign and swear to his schedule, and for the assessor who omits to list property or undervalues it.[27] A fine is prescribed also in cases where fraudulent statements of deductions are made.[28]

Surely it would be unreasonable to ask for more stringent regulations governing the listing of personal property than those provided in the code. Ample powers seem to be given the assessors to compel the property owners to declare their taxable goods. Oaths, fines, penalties, and powers of inquisition are supplied him; and if the assessment is not full and fair it would seem not to be the fault of the legislators who have provided the authority to the local administrative officers. A brief study of the revenue law is enough to convince anyone that the fault of whatever evil conditions may exist does not rest there. Either the system is an impossible one or the administrative officers, because of inefficiency, negligence, or cupidity, fail in their duty.

EFFICIENCY OF THE PERSONAL PROPERTY ASSESSMENT.

In considering the taxation of personal property, especially of intangible personal property, the discussion necessarily assumes a character as complex as that of the famous Pooh-Bah. Whether a statement is true or false depends entirely upon the point of view; it makes all the difference in the world whether one speaks as Chancellor of the Exchequer or as Attorney General. It seemed, when the question was considered from the viewpoint of the statutes that personal property was taxed in Illinois,

[26] *Cf. infra*, p. 173 *et seq.*

[27] *L.* 1898, p. 39.

[28] *L.* 1871-72, p. 9.

for as has been seen it would be difficult to devise a more stringent set of penalties, oaths, and instructions than those prescribed for the taxation of such property in the present revenue law. But the matter takes on a different aspect when viewed by the Chancellor of the Exchequer and from the amount of revenue brought in the treasury from the tax on personal property, one would be inclined to discount the evidence of the statute book.

In taking up the examination of the efficiency of the law it is interesting to recall that one of the prime causes of the revamping of the revenue law in 1872 was to secure the listing of this particular kind of property. When the governor sent a message to the legislature urging a revision of the revenue law, he enclosed as an argument a letter from the state auditor which said that "the first necessity for an immediate and radical change and revision" of the revenue law grew out of "the undeniable and admitted fact" that the great mass of intangible personal property escaped taxation; $150,000,000 of such property, he believed, escaped the assessors each year.[29] It must be conceded that the legislature was not backward in its response. It gave the state a code which should have succeeded in reaching personal property if any code depending upon self-assessment, oaths, and penalties could be successful. But after a trial of forty years it is evident that the attempt has been a failure.

In seeking to test the efficiency of the assessors, one difficulty presents itself at the very outset in that the data furnished in the auditors' reports are not well adapted for the purpose. The assessment figures are not in a form easily comparable with the estimates of true values obtainable from other sources. Thus under the item of *Credits of Banks, Bankers etc.* are given merely the results of deducting certain debits from certain credits, none of the original terms being supplied. The figures given under *Credits of other than Banks, Bankers etc.* are also resultants, no specification being made of the fund subject to

[29] *Reports*, 27 G. A., 1871, III, 101.

deduction for debts. Moreover, no distinction is drawn between the various kinds of credits—mortgages, notes, book-accounts etc. *Moneys of other than Banks, Bankers etc.* represent not only cash which tax payers may have on hand but whatever money they may have on deposit in the various banks. It will be readily seen that these conditions make precise statements about the efficiency of the assessment of intangible property very difficult. But as it happens this is not particularly important, as the evasion and undervaluation is so gross as to render precise statements superfluous. After making every possible allowance for indeterminate factors the assessment, as will be shown, appears still to be extremely inefficient.

Mortgages and Credits.

It has seemed well to examine in detail several items on the schedule of personal property as test probes of the efficiency of the assessment. As an example of the assessment of intangible personal property, the item which appears in the auditor's reports as *Credits of other than Bank, Banker, Broker, Stockjobber* has been chosen as the first to be examined. All property owners except banks, bankers, brokers etc. are expected to list their credits under this head. Credits do not include bonds and stocks and money on deposit; they do include all other claims or demands for anything of value except in so far as these claims are counterbalanced by debts. It will be recalled[30] that some credits, such as those for money loaned, are not liable to deduction and some debts are not available for counterbalancing credits. The amounts returned to the state auditor under this head should, then, include the total amount of all money loaned as well as all other valuable claims not cancelled by *bona fide* debts. Table 10 gives the assessed value of this class of credits for the years mentioned.

[30] *Supra*, pp. 140-141.

TABLE 10.

ASSESSED VALUE OF CREDITS, NOT INCLUDING BANKERS' CREDITS, 1875-1912.

	Entire State	Cook County
1875	$24,018,237	$ 146,124
1880	17,680,302	211,815
1885	13,102,498	250,239
1890	11,175,380	190,535
1895	10,342,774	67,660
1900	22,181,440	2,819,312
1905	21,467,724	2,751,212
1906	22,720,543	3,463,790
1907	25,866,300	5,803,866
1908	21,418,528	1,357,322
1909	45,464,043	10,852,991
1910	38,681,356	4,063,277
1911	37,738,112	4,194,186
1912	38,561,691	5,090,345

One needs only to glance over the amounts of credits assessed year by year to realize that undervaluation or evasion exists to a considerable degree. What other reasonable explanation can be made when upon investigation one discovers a drop from nearly thirty-six millions in 1873 to less than eleven millions in 1892? In 1898, just before the new revenue law went into effect, the assessment of credits was scarcely one-third what it had been twenty-five years before—and during that time the population of the state had nearly doubled.

In 1899, with the introduction of a law which legalized undervaluation by authorizing an assessment on the basis of twenty per cent of true value, but which at the same time strengthened the hands of the assessors, the returns leaped from twelve millions to twenty-six and a half million. Again, although the increase of the figures for 1909 over 1908 must be ascribed in part to the law changing the valuation from the one-fifth to the one-third basis, this line of explanation will not account for the increase in the Cook County returns from a little over one million to nearly eleven millions. Who would stand sponsor for the statement that in one year, from 1909 to 1910, the credits in Cook County decreased in value from

eleven million to four million dollars? More than one hundred times as much credits were taxed in 1899 as in 1895. After comparing the return of eleven millions in 1909 with the $67,660 assessed in 1895, or with the $80,101 assessed in 1897, or even with the five millions assessed in 1912, any reasonable mind will be convinced that a great many mortgages in Cook County escaped the assessor's net in those years.

Another test of undervaluation and evasion is secured by contrasting the assessments of the various counties. In a state like Illinois it may be safely assumed that at least as many credits are owned by city people as by those who live in the agricultural districts. It is probable that the current of borrowed money is even stronger from the city toward the country than vice versa. Such statistics as are available for Illinois seem to bear out this assumption.[31] Therefore Cook County, the city county of the state, should have a *per capita* assessment of credits at least as large as the agricultural counties. But as is demonstrated by the material presented in Table 11, the returns from Cook County are unable to stand this test. Indeed in only one year, 1899, did it bear its share of the burden, population being taken as the test of the amount owned in the different communities. In every other year the returns from Cook County show evidence of evasion. The most startling figures are those for 1895. At this time Cook County contained one-third of the population of the state and yet listed but one one-hundred-and fifty-fourth of the credits assessed for taxation. The showing for many other years is almost as poor. In 1908 about seventy-five cents worth of credits ($.738) was listed for each person in Cook County, while nearly six dollars and seventy-five cents worth ($6.72) was listed for each person outside of Cook County. In that year Winnebago County listed almost as many credits as Cook County; the population of Winnebago County is less than fifty thousand; that of Chicago is over two million, three hundred thousand. However,

[31] *Cf. Report of the Illinois Bureau of Labor Statistics,* 1888.

considerable improvement is apparent in the distribution between counties since 1898.

TABLE II

COMPARISON OF COOK COUNTY WITH THE REMAINDER OF THE STATE IN RESPECT TO THE ASSESSED VALUE OF CREDITS, NOT INCLUDING BANKERS' CREDITS, 1873-1912.

Population Ratios

1870	6:1	1880	4:1	1890	2:1	1900	1.6:1	1910	1.3:1

Assessment Ratios

		1880	83:1	1890	57:1	1900	7:1	1910	9:1
		1881	19:1	1891	79:1	1901	5:1	1911	8:1
		1882	28:1	1892	88:1	1902	4:1	1912	7:1
1873	78:1	1883	165:1	1893	74:1	1903	6:1		
1874	78:1	1884	68:1	1894	21:1	1904	5:1		
1875	164:1	1885	51:1	1895	153:1	1905	7:1		
1876	142:1	1886	42:1	1896	126:1	1906	5:1		
1877	253:1	1887	103:1	1897	127:1	1907	4:1		
1878	115:1	1888	95:1	1898	8:1	1908	15:1		
1879	143:1	1889	85:1	1899	2:1	1909	3:1		

Thus far, merely the internal evidence of the auditors' reports has been presented. These reports show only the property which has been assessed. Therefore, as yet, nothing definite has been shown about the property which should have been assessed. Here help was secured from the *Report of the Bureau of Labor Statistics* made in 1888, which contains data on the mortgage indebtedness of the state in the years 1880 and 1887. It happens that this report contains most of the data necessary for making the proper deductions from the gross amount of mortgages in force, thus furnishing a figure truly comparable with the assessment. Although the data are old, they nevertheless have a present day significance.

As will be seen by referring to Table 12 the first item to be substracted is that of mortgages for deferred payments, such mortgages, according to the letter of the law, being eligible to deduction for debts. Although in actual practice few deductions are allowed from such credits, in order to be very conservative all of them are

TABLE 12

TAXABLE MORTGAGES IN 1880 AND 1887 IN COOK COUNTY AND ENTIRE STATE.

	Entire State		Cook County	
	1880	1887	1880	1887
1. Mortgages in force (a)	$196,656,074	$402,053,118	$ 64,156,754	$220,603,230
Deductions				
2. Mortgages for deferred payments. (b)	36,396,957	104,176,179	10,109,304	60,377,848
3. Mortgages for money loaned, owned by non-residents (c)	21,936,152	30,935,515	6,268,329	13,283,899
4. Mortgages owned by building and loan associations (d)	1,025,176	20,449,352	212,949	9,569,408
Total deductions	$ 59,358,285	$155,561,046	$ 16,590,582	$ 83,231.155
5. Total taxable mortgages	$137,297,789	$246,492,072	$ 47,566,172	$137,372,075
6. Assessed value of Credits of Other than Bank, etc.	$ 17,680,302	$ 12,160,825	$ 211,815	$ 117,170

(*a*) Item 1, *Mortgages in force,* was obtained by multiplying the mortgages in force recorded during the year by their average length of term, a method criticised by J. P. Dunn, Jr. (*Political Science Quarterly,* V, 73), but one which is accurate enough for this purpose.

(*b*) Item 2, *Mortgages for deferred payments,* includes unaccrued interest, as does also Item 4, *Mortgages owned by building and loan associations.* Sufficient data for eliminating the interest in these two items are not supplied in the report.

(*c*) Item 3, *Mortgages for money loaned, owned by non-residents,* was obtained from the figures given in the report for all mortgages held by non-residents. The average term of a mortgage of this class for 1880 is not given in the report. It is assumed that it was the same for 1880 as for 1887. It would not be proper to subtract all mortgages held by non-residents, for some of these have already been subtracted in the Item 2, *Mortgages for deferred payments.* It was assumed that the same proportion of mortgages for deferred payments was held by both residents and non-residents. Following this assumption the figure in the table was

considered in the calculation to be blotted out by declarations of debt.

The second item subtracted, mortgages owned by non-residents, is also over-conservative, for many mortgages on property in other states were owned by residents of Illinois—perhaps as many as the Illinois mortgages owned by non-residents.

But the figures as they stand after the foregoing substractions still include the mortgages of banks and other such institutions whose credits are listed under a different form. Perhaps the most important of these companies, and the only ones for which information is obtainable, are the building and loan associations; their mortgages are accordingly subtracted also.

The figures obtained after making all these deductions, represent the value of the mortgages which should have been listed in 1880 and 1887.[32] It will be recalled that the item of the auditors' reports with which these figures are to be compared, is supposed to include not only these mortgages but also notes not recorded, accounts, mortgages for deferred payment, mortgages in other states owned by citizens of Illinois, and every other demand for a valuable thing, not cancelled by debts. The assessed value of credits should have been, then, considerably larger than the total value of the taxable mortgages. But in 1880, as is shown in the table, when there were over one hundred and thirty-seven millions of taxable mortgages alone in the state, the assessors were able to find only about eighteen millions of all kinds of credits. In the same year when there were nearly forty-eight millions in mort-

arrived at by using the following proportion: the total amount of mortgages is to the total amount of mortgages for money loaned as the total amount of mortgages executed to non-residents is to the amount of mortgages for money loaned executed to non-residents. or x.

(*d*) No average terms being given for 1880, those for 1887 were used. A proportion similar to that used in Item 3, was resorted to in this case in order to eliminate the mortgages for deferred payments belonging to building and loan associations.

[32]No account is taken of the fact that some mortgages given to residents of Illinois are afterwards transferred to non-residents.

gages which should have been taxed in Cook County, the assessed value of all credits in this county was only $211,-815. The figures for 1887 are even more unfavorable. By that time the taxable mortgage value for the entire state had risen to $246, 492, 072, but the assessed value of credits had actually fallen over five millions from the 1880 figure—to $12,160,825. In Cook County, it would appear from the assessors' returns, the total value of credits was only $117,170. But in that very year the taxable mortgages alone amounted in this county to $137,372,075. This meant that in Cook County the assessment efficiency was about one-tenth of one per cent. Or, to state it in another way, about nine hundred and ninety-nine mortgages out of each one thousand escaped taxation. It is true that real estate and property in general were considerably undervalued at this time. But mortgages, when reached by the assessor, are seldom greatly undervalued and therefore the great bulk of the discrepancies between real and assessed values must be ascribed to evasion.[33]

It is not difficult to make a rough estimate of the efficiency of the law at the present time. The assessment in 1912 was about thirty-eight and one half million dollars as compared with the twelve million in 1887. What the increase in taxable mortgages has been can only be conjectured; but material gathered in Jo Daviess County between 1900 and 1906 shows that in this single county the value of the mortgages subject to taxation had about trebled.[34] If this were true for the entire state, it would indicate that the taxation of credits in Illinois at the present time is but little less a farce than it was in the eighties. Indeed, the testimony of the officers who enforce the law confirms this view. The special counsel for the board of review of Champaign County, in a recent campaign against tax dodgers, declared that not one mortgage in

[33]This statement assumes that the mortgages recorded in Cook County, except those owned by residents of other states, were owned by Chicagoans.

[34]*Wisconsin Tax Commission Report*, 1907, p. 339.

twenty was taxed and the county treasurer bore him out in this estimate.

A very interesting way to become enlightened about the efficiency of mortgage taxation is to attend a hearing of a county board of review. There you find that about the only person who lists a mortgage is the man whose property has recently been acquired through inheritance and whose possessions are known to the assessor because of the recently probated will, or perhaps an occasional woman, who, terrified by an order to appear before the board, trembling admits that she owns a mortgage, and submits to a tax which takes from her nearly half of her interest. Sometimes the reviewers do not even bother to summon skillful business men whom they know to have mortgages and who are conversant with the rules of the game. Indeed the manner of some of the officials would indicate that they consider it more or less of a joke when a person is foolish enough to admit that he is the owner of credits.

Of odds and ends, therefore, is the item of credits made up. Instead of the great mass of evidences of debt which the law seeks to tax under this head, only an occasional mortgage is reached. It would seem that forty years was a sufficiently long time to experiment with the self-assessment system of intangible personal property. The result of the experiment is known to all who have made the slightest inquiry into the situation; there is no one bold enough to pretend that it has been a success. The violent fluctuations from year to year in the assessed values, the wide differences between the returns from various counties, the great disparity between the assessment values and the estimates of the actual values of taxable credits, and the testimony of common observation all condemn the present plan for extracting a revenue from this class of intangible personal property.

Bankers' Credits.

The next item used as a test of the success of the property tax in reaching personal property is called *Credits of Bank, Banker, Broker, Stock-jobber.* This item

is an excellent example of the complicated nature of many of the provisions of the law which the local officials are called upon to administer. As has already been explained,[35] it is very different in content from the item just considered. Table 13 shows the values assessed under this head for selected years.

TABLE 13.

ASSESSED VALUE OF BANKERS' CREDITS, 1875-1912.

	Entire State	Cook County
1875	$1,953,223	$ 349,573
1880	1,414,971	55,342
1885	1,337,114	105,610
1890	1,050,489	30,308
1895	1,724,611	12,225
1900	1,919,722	236,366
1905	3,539,058	233,013
1906	2,173,885	286,069
1907	3,872,426	247,924
1908	3,902,282	229,073
1909	5,722,372	481,619
1910	7,180,020	1,686,397
1911	8,375,682	2,559,073
1912	7,819,935	1,257,024

The insignificance of these amounts together with the fact that the item is obviously intended to gather up the left-overs, makes extended comment inadvisable. A few points may be noted, however, as being indicative of the general inefficiency of the assessment. Thus the bank credits reported in 1892 from Cook county, including Chicago, amounted to the miserly sum of $8,200. Between 1898 and 1899 they jumped from $12,180 to $1,919,433. The sudden rise in 1899 was probably due to the change in the revenue law of that year, which did not redefine credits but merely modified the assessment machinery. Changes in the law which one would expect to see clearly reflected in the assesment returns seem to have had little or no effect. Thus the law of 1901 exempting banks incorporated under the state law caused no falling off in the assessment values; this would seem to indicate that the

[35] *Supra*, p. 140.

TABLE 14

CALCULATION OF THE NET TAXABLE CREDITS OF THE STATE BANKS OF CHICAGO ON JUNE 5, 1893 (a)

	Gross Taxable Credits	Deductions	Balance of Deductions over Credits	Net Taxable Credits
1. Bank of Commerce	$1,309,115.96	$1,586,973.39	$ 277,857.43	
2. Bank of Illinois				
3. Central Trust and Savings Bank	355,815.33	198,313.57		$ 157,501.76
4. Chicago City Bank	162,869.30	54,226.95		108,642.35
5. Chicago Trust and Savings Bank	829,113.67	404,133.23		424,980.44
6. Commercial Loan and Trust Co.	1,134,434.06	956,142.35		178,291.71
7. Corn Exchange Bank	7,043,022.79	7,857,974.15	814,951.36	
8. Dime Savings Bank	480,856.76	503,438.62	22,581.86	
9. Garden City Banking and Trust Co.	1,081,646.30	1,051,279.22		30,367.08
10. Globe Savings Bank	693,278.42	649,721.59		43,556.83
11. Home Savings Bank	236,751.59	315,546.78	78,795.19	
12. Homestead Loan and Guaranty Co.	264,050.00	21,862.93		242,187.07
13. Illinois Trust and Savings Bank	15,015,375.97	18,856,185.58	3,840,809.61	
14. Industrial Bank of Chicago	271,995.79	129,737.33		142,258.46
15. International Bank	1,406,957.31	958,592.89		448,364.42
16. Merchants State Bank	25,000.00			25,000.00

(a). Compiled from the reports to the Auditor.

TABLE 14—CONTINUED

	Gross Taxable Credits	Deductions	Balance of Deductions over Credits	Net Taxable Credits
17. Milwaukee Ave. State Bank	759,983.64	590,014.31		169,969.33
18. Northwestern Bond and Trust Co.	722,076.42	646,349.47		75,726.95
19. Royal Trust Co.	884,368.60	531,154.53		353,214.07
20. South Side State Bank	107,502.49	18,202.65		89,299.84
21. State Bank of Chicago	2,087,165.85	2,101,863.54	14,697.69	
22. The American Trust and Savings Bank	3,937,478.98	4,876,751.57	939,272.59	
23. The Hibernian Banking Association	2,962,716.02	2,954,354.53		8,361.49
24. The Merchants Loan and Trust Co.	9,456,229.52	10,517,370.85	1,061,141.33	
25. The Northern Trust Co.	4,264,573.75	5,849,280.90	1,584,707.15	
26. The Prairie State Savings and Trust Co.	1,458,853.54	2,283,862.65	825,009.11	
27. Union Trust Co.	2,148,769.14	3,074,530.16	925,761.02	
Total Net Taxable Credits				$2,497,721.80

credits of the state banks had not been reached for taxation. The law of 1903 classing sums in the hands of other banks subject to draft and certain cash items as credits seems to have had little effect toward increasing the assessment. Indeed, the amount returned in 1906 was smaller than that returned in 1902 ($2,173,885, as compared with $2,800,441).

In attempting to secure a figure with which to compare the sum returned as bank credits, recourse was made to the reports of the state banks to the auditor in his

capacity as bank examiner. One calculation was made from the reports of June 5, 1893, and another from reports rendered on April 27, 1900.[36] The report made on the date nearest the assessment day was chosen but in each case it fell some days away, and during this time it is possible that the figures in the bank statements changed quite radically. The results of these calculations, therefore, should be accepted with these facts in mind.

By referring to Table 14 it will be found that in 1893 the state banks of Chicago had net taxable credits to the amount of $2,497,721.80, according to their statements of condition made thirty-six days before the date of assessment. The credits for all the state banks, for all the private banks, brokers etc., in Cook County, including Chicago, were assessed that year at $22,375. Property in general at this time was undervalued greatly, but it requires a great degree of undervaluation to explain how two and one-half million in credits could be listed at twenty thousand dollars. These figures would seem to indicate evasion of the grossest type.[37]

[36]The tests were made on these particular dates for these reasons. The first was made from 1893 data in order to check the results of the *Report of the Bureau of Labor Statistics* (*cf.* note 37). The year 1900 was chosen for the second test because it is probably the most normal of recent years. In 1899 the new revenue law went into effect and in 1901 the state banks were exempted from making their returns in this form. *L.* 1901, p. 266.

[37]In a report on taxation, published as a part of the *Report of the Bureau of Labor Statistics* for 1894, the following table is given to show the efficiency of the assessment of bank credits. The table is compiled from a report to the auditor showing the condition of the state banks in Chicago on June 5, 1893 (p. 34), and is reproduced exactly, no attempt being made to eliminate errors.

Resources of Twenty-Seven Chicago Banks as Shown by the Auditor's Report.

Loans and Discounts	$59,995,715.29
Bonds and Stocks (other than U. S.)	8,099,450.78
Overdrafts	101,605.00
Total Taxable Credits	$68,196,851.07

In 1900, on the other hand, the assessment figures tell a somewhat different story. This is evident from Table 15. On April 27, twenty-seven days after the assessment date of that year, the net taxable credits of twenty-five state banks in Chicago were $568,700.49 according to the bank statements. The bank credits reported for taxation from Cook County on April 1 of that year were valued at $236,-366. But this valuation was avowedly on the one-fifth basis, so that it should be multiplied by five to get the real cash value of the credits assessed. From this it appears that twenty-five state banks in Chicago had one-half the whole amount of credits listed for all the bankers, brokers,

Subject to the following deductions:		
Savings Deposits	$21,275,598.93	
Individual Deposits	33,578,645.52	
Demand Certif. of Deposit	2,049,027.18	
Time Certif. of Deposit	3,686,203.97	
Certified Checks	852,145.65	
Cashier's Checks	498,367.74	
Due to Other Banks	5,132,847.11	
Re-discounts	65,909.72	
Total deductions		$67,138,745.82
Net Taxable Credits, June 5, 1893		1,058,105.25
Net Credits Listed, May 1, 1894		10,000.00
Difference		1,048,105.25

The errors in this table are so serious as to make it utterly worthless. First of all, the item of *Bonds and Stocks* should not be included among the credits, for the law provides that these securities shall be listed as a separate item on the assesment roll and that no deduction shall be allowed from them. The subtraction of this item leaves no balance of taxable credits at all.

But much more serious than this first criticism is the one which must be made against the general method employed. The table is merely a computation made from the sum totals of the various items included in the statements of the twenty-seven banks. But the assessor does not treat the banks collectively. Instead of taking them as a group as is done in this statement, he assesses each one individually. Therefore in order to make a fair comparison, it is necessary to ascertain the net taxable credits for each individual bank, add them together and contrast with the credits assessed. By this method (*cf.* Table 14) even more startling results are obtained than were presented in the report.

and the stock-jobbers in Cook County—a statement which on the face of it reveals no great undervaluation or evasion.

It appears then that, although the evidence in regard to the assessments of the credits of bankers is somewhat conflicting and inconclusive, it is probable that undervaluation and evasion are to be found here to a considerable degree.

TABLE 15.

CALCULATION OF THE NET TAXABLE CREDITS OF THE STATE BANKS OF COOK COUNTY ON APRIL 27, 1900.(a)

	Gross Taxable Credits	Deductions	Balance of Deductions	Net Taxable Credits
Avenue State Bank, Oak Park	$ 108,753.05	$ 224,940.27	$ 116,187.22	
Bank of Chicago Heights	131,451.09	188,339.26	56,888.17	
Bank of Harvey	105,907.73	171,149.43	65,241.70	
Chicago City Bank	546,703.56	501,587.74		$ 45,115.82
Foreman Brothers Banking Co.	2,573,144.62	2,160,053.58		413,091.04
Garden City Banking and Trust Co.	2,025,473.39	2,332,622.44	307,149.05	
Hibernian Banking Association	4,890,160.79	7,294,309.78	2,404,148.99	
Home Savings Bank		1,291,725.28	1,291,725.28	
Illinois Trust and Savings Bank	34,905,790.61	59,601,610.24	24,695,819.63	
La Grange State Bank	112,658.76	128,164.81	15,506.05	
Lemont State Bank	15,023.70	23,060.33	8,036.63	
Milwaukee Ave. State Bank	1,152,044.11	1,465,809.49	313,765.38	
Oak Park State Bank, Oak Park	590,992.54	742,418.84	151,426.30	
Pearson-Taft Land Credit Co.	751,023.96	669,051.88		81,972.08
Prairie State Bank	2,369,318.53	3,121,209.60	751,891.07	
Pullman Loan and Savings Bank	822,352.03	1,440,052.46	617,700.43	
Royal Trust Co.	1,936,892.85	2,364,323.77	427,430.92	
State Bank of Chicago	4,552,061.94	5,474,348.95	992,287.01	

(a) Compiled from the reports of the Auditor.

TABLE 15—CONTINUED

	Gross Taxable Credits	Deductions	Deductions Deductions	Net Taxable Credits
State Bank of Evanston	628,083.30	1,129,788.20	501,704.90	
State Bank of West Pullman	63,656.00	82,153.33	18,497.33	
American Trust and Savings Bank	6,225,791.68	9,854,399.96	3,628,608.28	
Merchants Loan and Trust Co.	13,334,768.38	21,097,983.40	7,763,215.02	
The Northern Trust Co.	9,266,281.56	17,101,825.51	7,835,543.95	
The Western State Bank	591,783.03	563,261.48		28,521.55
The Union Trust Co.	2,937,505.13	4,383,724.14	1,446,219.01	
Total Net Taxable Credits				$ 568,700.49

Tangible Personalty.

The assessor has had poor success also in reaching tangible personal property for taxation. The long columns of figures in the reports of the state auditor, which present the results of the assessors' efforts in this direction, belie the tradition as to the dryness of statistics. So ridiculous are some of the returns that not long ago they were made the text for a sketch by a popular writer which appeared in the comic section of a syndicate of newspapers. What could be more preposterous, for example, than the statement that the full cash value of all the diamonds and jewelry in Chicago in 1911 was only about a half-million dollars?[38] and this finds a worthy companion in the statement that there is not a single patent of value owned by a resident of the city.[39] According to the assessment figures, melodeons and organs have been relegated entirely to the rural regions for not one instrument was found in metropolitan Cook County.[40] Pianos in Perry County have a

[38]$576,900; assessed value $192,300. *Auditor's Report*, 1912, p. 432.
[39]*Ibid.*, p. 430.
[40]*Ibid.*, p. 428.

fair cash value of about fifteen dollars apiece.[41] But in spite of their apparent cheapness, the number assessed shows that they are quite scarce; there were not one hundred and fifty thousand in the entire state in 1911.[42] Watches and clocks are also surprisingly rare in view of their extremely low cost. The average timepiece in 1911 had a fair cash value of about six dollars and a half,[43] and yet there were only 328,306 in the entire state. In Cook County, only one person in every one hundred and eighty-eight could afford a watch or clock. Cook County is twenty-five times as populous as Kane County, but contains only a few more watches and clocks.[44] It is a heavy blow to the literary reputation of the state to have the statement published broadcast that only eighty-five persons in the state were the fortunate possessors of annuities or royalties of any sort in 1911.[45] Again, franchises were listed in Cook County to the number of seventeen with a total cash value of $7,782.[46]

Money.

A very satisfactory item for use in comparing real with assessed values is that called "Moneys of other than bank, bankers etc." All persons not included in the legal

[41]$15.54; assessed value $5.18. *Ibid.*, p. 427.

[42]*Ibid.*

[43]$6.51; assessed value $2.17.

[44]The population of Kane County is 91,862 and that of Cook is 2,405,233. 12,780 watches and clocks are listed for Cook County and 10,663 for Kane.

[45]*Aud. Rept.* 1912, p. 429.

[46]Assessed value $2,594. *Ibid.*, p. 428.

A resident of Champaign County bought an automobile in 1912 for $2,500. He gave its fair case value to the assessor as $1,000. Some time later, prompted by a qualm of conscience, he contemplated increasing his valuation but before doing so, happened to recall that a neighbor, a county tax official, had paid $3,000 for a machine and decided before making any change to see what valuation this man had placed on his car. When he found that the new $3,000 automobile was listed at $200, he decided that his own statement needed no revision upward.

Instances of this sort might be multiplied indefinitely.

definition of bank, banker, broker etc.[47] are required by the law to list whatever money they may possess under this item. This is practically a tax upon bank credit in the hands of private individuals[48] and it is possible to test its success by comparing the assessed values with bank deposits.

But first it may be well to glance at the assessment figures for the whole period. The assessed values of this item for the years specified, as shown by the auditors' reports, were as follows:

TABLE 16.

Assessed Value of Moneys, Not Including Bankers' Moneys, 1875-1913.

	Entire State	Cook County
1875	$15,248,399	$ 294,712
1880	13,014,803	1,207,874
1885	9,345,880	1,164,552
1890	9,456,573	1,061,264
1895	9,176,947	1,459,384
1900	15,115,652	1,675,331
1905	18,435,506	1,757,465
1906	18,773,144	1,914,927
1907	18,944,236	1,761,304
1908	18,728,241	963,907
1909	31,257,604	1,368,952
1910	32,204,798	1,819,565
1911	35,525,479	3,733,947
1912	33,828,858	2,173,277

The variations in this case are not so great as they were in the assessments of credits. An increase from about eight to eighteen million dollars in 1899 as compared with 1898 is eloquent, however. It is also quite surprising to learn that there was only a little more than two hundred thousand dollars ($212,601) in Cook County in 1878. Again, as in the case of credits, Cook County fails under

[47] *Supra*, p. 141; *L.* 1871-72, p. 68.

[48] The definition of money given in the revenue law is as follows: gold, silver, or other coin, paper, or other currency used in barter and trade as money, in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw in money on demand.

the population test to bear its share of the burden. In 1875 when there were six persons in the rest of the state for every one person in Cook County, fifty-one dollars were listed for every dollar in Cook. In 1909 each person outside of Cook County paid fourteen times as great a tax on his money as did the resident of Cook County on his money, assuming *per capita* wealth to be the same. In this year Cook County's share of the assessment, under this assumption, should have been $19,536,002; its actual assessment amounted to $1,368,952.

The amount of deposits in the state banks has been a matter of public record only since 1889. The deposits of the national banks are available during the whole period. No figures at all, however, are obtainable for the private banks in the state.[49]

Table 17 presents the amounts of the money on deposit to the credit of individuals in state and national banks for the past twenty-three years, and contrasts with them the assessments of money during these years.

[49]The information in the table has been secured from the *Reports of the Comptroller of the Currency of the United States* and the *Reports of the Auditor of Public Accounts of Illinois.* The item called *individual deposits* in the national banks reports is used, and in the state bank reports, the three items, *time-deposits—savings, demand-deposits—individual,* and *demand-deposits—certificates* were added together to give the result presented. The reports made nearest the assessment dates were chosen in each case. The national banks in Cook County, but outside of Chicago, were ignored because sufficiently detailed information is given only in reports which are separated widely in time from those which had been selected as desirable for this table. The item is negligible in this connection, at no time being more than two million dollars. The amount of the deposits in the state banks in Cook County in 1891 is not accessible. In the table it is assumed that it was the same as that of 1890.

TABLE 17.

COMPARISON OF INDIVIDUAL BANK DEPOSITS WITH ASSESSED VALUES OF MONEYS, NOT INCLUDING BANKERS' MONEYS, 1889-1912

	Entire State		Cook County	
	Deposits of State and National Banks	Assessed Value of Money, etc.	Deposits of State and National Banks	Assessed Value of Money, etc.
1889	$124,374,251	$ 9,516,138	$ 80,551,333	$ 1,221,899
1890	142,040,086	9,456,573	98,937,333	1,061,264
1891	174,118,198	9,267,494	107,119,654	997,682
1892	203,871,992	9,195,675	139,815,693	970,129
1893	191,041,772	9,950,825	127,696,103	1,346,164
1894	193,964,276	7,769,358	139,101,367	434,244
1895	201,392,368	9,176,947	137,730,861	1,459,384
1896	203,737,857	8,196,180	140,209,621	1,279,057
1897	200,163,357	8,633,129	141,074,633	1,093,315
1898	242,048,068	7,951,202	167,209,535	839,566
1899	296,785,239	17,742,210	211,032,906	4,203,385
1900	317,169,861	15,115,652	220,149,202	1,675,331
1901	384,658,927	16,398,755	265,797,468	2,041,967
1902	432,974,839	16,473,438	393,055,447	1,912,245
1903	473,542,783	17,148,064	318,308,938	1,855,244
1904	519,943,194	17,888,563	347,848,769	1,965,905
1905	603,081,049	18,435,506	409,875,260	1,757,465
1906	623,789,413	18,773,144	416,493,425	1,914,927
1907	670,862,704	18,944,236	440,424,025	1,761,304
1908	674,353,841	18,728,241	440,822,737	963,907
1909	729,878,790	31,257,604	473,673,979	1,368,952
1910	815,767,828	32,204,798	521,099,660	1,819,565
1911	863,342,364	35,525,479	555,610,648	3,733,947
1912	958,707,244	33,828,858	622,524,029	2,173,277

This table speaks for itself. In not a single year does the assessment approach the amount of the bank deposits. In 1889 the best showing is made, but even here the assessors reached only one dollar in thirteen. This assessment is somewhat better than it seems to be at first, for real estate and property in general were undervalued at this time. In 1898 when only about eight million was taxed, two hundred and forty-two million was on deposit. Cook county, as usual, can show a record even worse than that of the whole state. Each year shows a lower percentage

than was taxed in the state at large. But the climax is reached in 1908 when less than five millions was assessed in the county ($963,907 representing a twenty per cent valuation), while over four hundred and forty million stood to the credit of individuals in the banks. The assessment for 1912 is almost as bad as that of 1908. Comment on these figures is superfluous. Evidently from the standpoint of the exchequer, money is not taxed in Illinois.

To examine further the various items of the personal property schedule could have no other effect than to confirm what has already been shown clearly enough for the purpose in hand. It is quite evident that the general property tax has most woefully failed to reach personal property for taxation.

CHAPTER IX

The Assessment of Real Estate

Definition of Real Estate.

The second great class of property is real estate. By the definition given in the revenue code this term includes not only the land itself, whether laid out in town or city lots, or otherwise, with all things contained therein, but also all buildings, structures and improvements, and other permanent fixtures, of whatsoever kind, thereon, and all rights and privileges belonging or in anywise pertaining thereto, except where the same may be otherwise denominated by this act.[1]

The few exceptions to this general description are noted in the discussion of personal property.[2]

The general real estate assessment is made quadrennially but corrections and additions are made annually.[3] Annual assessments of all real estate were made before 1899.[4] An act passed in 1879 provided that an assessment should be made in 1880 and every four years thereafter but before the time came for the 1881 assessments, the law was repealed and annual assessments once more established.

Manner of Listing.

The assessment books are prepared by the county clerk every fourth year and contain descriptions of all tax-

[1] *L.* 1871-72, p. 68.

[2] See *supra* p. 138. Interstate bridges are specifically designated as real estate by an act of 1873. *Rev. Stat.* 1874, p. 908. A leasehold interest in exempted lands was similarly classified by a clause in the original act. *L.* 1871-72, p. 18.

Government and school lands are taxable as soon as entered or sold, Illinois and Michigan Canal lands when paid for in full, Illinois Central lands when the last payment becomes due and swamp lands when the county conveys the title. *L.* 1871-72, p. 18.

[3] *L.* 1898, p. 36.

[4] *L.* 1871-72, p. 17; *L.* 1879, p. 241; *L.* 1881, p. 133.

able real estate together with the names of the owners.[5] To enable the county clerk to prepare these books properly, it is required that when a tract of land has been divided into parcels in such a way that description is difficult, the owner shall have it plotted into lots which can be simply described.[6] Moreover the county clerks are informed by the state auditor of lands in their counties which become taxable, the auditor being instructed to secure this information from the proper officials of the United States, of the Illinois and Michigan Canal, of the Illinois Central Railroad and of the counties containing swamp lands.[7] In counties under township organization the books are made up by townships; in those under the county form of organization, by congressional townships. Special books may be prepared for assessments in cities.[8] In those years when a general assesment of real estate is not made, the county clerk prepares a supplementary list of lands which have become taxable in the preceding year.[9]

Assessment books must be ready by the first day of the assessment period when the assessors are directed to call for them and to proceed to view and determine the value of each parcel of real estate.[10] If the assessor discovers property which has been omitted, improvements which have been made, or depreciation which has come about in the real estate, he revises the assessment lists so as to make them as complete and correct as possible.[11]

Undervaluation.

All through the period under discussion undervaluation of real estate is patent upon the face of the returns.

[5] *L.* 1871-72, p. 19; *L.* 1873-74, p. 51; *L.* 1879, p. 241; *L.* 1881, p. 133; *L.* 1885, p. 23.

[6] *L.* 1871-72, p. 18; *L.* 1879, p. 255.

[7] *L.* 1871-72, p. 64.

[8] *Ibid.*, p. 19.

[9] *L.* 1898, p. 36; *L.* 1903, p. 297; *L.* 1905, p. 360.

[10] *L.* 1871-72, pp. 19, 20, 21; *L.* 1879, p. 243; *L.* 1881, pp. 133, 134; *L.* 1898, p. 36.

[11] *L.* 1871-72, p. 20; *L.* 1885, p. 234; *L.* 1895, p. 36; *L.* 1905, p. 360.

Thus, according to the assessment figures the value of the real estate in the state actually decreased in the twenty years following 1873—from $897,615,195 to $613,093,407.[12] Yet during this period over four hundred million dollars worth of buildings had been erected in Chicago alone,[13] and actual land values had increased enormously.

The assessment figures for 1873, however, are unusually high, this being the year when the new revenue law went into effect. But there is evidence which seems to indicate serious undervaluation even in the 1873 figures. The evidence comes from Cook County. Before 1875 Chicago had two annual assessments of property—the township assessors making one estimate for county and state purposes and the city assessors making a distinct assessment for city purposes. When these two assessments for 1873 are compared it appears that the city assessors found the real property in the North, South, and West Divisions of the city to be worth one hundred millions more than the value placed upon it by the township assessors for state purposes.[14]

In 1896 Mayor Swift's commission found the value of the taxable real estate in the district investigated in Chicago to be $438,447,180, while the assessed value of the property was only $40,668,720.[15] In his report to the tax commission of 1910 Professor J. A. Fairlie points out that in 1890 the real estate assessments were less than one-fifth of the census estimates of the full value of taxable real estate.[16]

It will be recalled that in 1898 the legal rate of underassessment was placed at this figure, twenty per cent, but the statistics of 1900 and of 1904 indicate that the assessment had fallen still lower and stood then at but one-seventh of the true value.[17] Complaints received by the

[12]Fairlie, *Report on Taxation and Revenue System of Illinois*, p. 203.
[13]*Rept. Bu. Lab. Stat.*, 1894, p. 68.
[14]$262,969,820 as compared with $162,739,712. *Ibid.*, p. 67.
[15]*Ibid.*, 1896, p. 124.
[16]Fairlie, *op. cit.* p. 26.
[17]*Ibid.*

tax commission indicated that in 1910 the amount settled upon by the assessors as the full value of the real estate was "only from fifty to seventy-five per cent of the actual value of the property assessed."

Specific cases of undervaluation are perhaps less valuable, but are certainly more striking evidence of the practice. The *Report of the Bureau of Labor Statistics* for 1894 cites the example of a piece of property whose actual value in 1873 was $9,300 but which was valued by the assessors at but $330. Another house and lot sold in 1893 for $45,000; the same year the assessor estimated its fair cash value at $270.[18] In 1912 there was a residence in Champaign County which competent judges valued at $30,000; it appeared on the assessment books at $2,200. A resident of the same county recently purchased a piece of real estate for $10,000. Its valuation for taxation purposes was placed at $1,800. The legal valuation at this time was 33 1-3%.

Inequality.

Yet undervaluation would be of comparatively little moment if it were uniform, that is, if there were no inequalities in the rate of the undervaluation among individuals or localities. But if there is undervaluation, there is almost necessarily inequality. The difficulty is well emphasized in the report of the revenue commission of 1886.[19] "The assessor, having forsaken the standard of the law," the report reads, "is without guide or restraint, except his own varying judgment, and subject to the pressure of importunate tax-payers, who pull steadily downward." That inequalities have resulted in Illinois, no one can deny. All through the period they have been the cause of discussion and condemnation. Every writer who has looked into the situation has found much to criticise. In 1886 the revenue commission reported that "the realty of one man is assessed at one-third, one-half, two-thirds or even full

[18] P. 58.
[19] P. iv.

measure of its actual value; while that of his neighbor is assessed at one-sixth, one-tenth, one-twentieth, or as was shown in one instance of considerable magnitude, one twenty-fifth of its actual value." "Such distinctions," continues the report, "are too invidious to be meekly borne."

The *Report of the Bureau of Labor Statistics* in 1894 was especially bitter in its attack upon the inequalities of the real estate assessments. In the case of thirty pieces of high class residence property in Chicago, worth $20,000 and above, the assessments in 1893 were found to vary from four to about twelve per cent of the real value of the property.[20] On the other hand the assessments of less choice property approached more nearly the true value. Among eighty pieces of property, each of which sold for less than $4,000, the assessments varied from twelve to forty per cent of the actual market value.[21] The evils of throwing a disproportionate share of the tax burden upon the small property owners are, of course, only too apparent.

The investigation made for the tax commission of 1910 failed to reveal "any large variation in the relative degree of undervaluation" between rural and urban real property,[22] but it was pointed out that the degree of undervaluation varied greatly between the counties. On the basis of the census data it was shown that in 1900 the assessed value varied in the different counties from about eleven to nineteen per cent; and in 1904 from about thirteen to twenty per cent. Compared with data furnished by the new census (1910), the quadrennial assessment of 1911 shows a truly startling variation in undervaluation, ranging from about fourteen per cent in Kankakee County to about forty-three per cent in Alexander County.[23]

[20] P. 88.

[21] *Ibid.*, pp. 92-94.

[22] Fairlie, *op. cit.*, p. 26.

[23] *Thirteenth Census*, VI. 426, 430; *Proc. St. Bd. Equal.*, 1911, pp. 27, 28.

Recommendations.

To increase the efficiency of the real estate assessments the tax commission of 1886 recommended not only the substitution of county for township assessors,[24] but also the establishment of a small state board of tax commissioners and the segregation of the sources of the state and local revenues.[25] This last suggestion is here found, according to Professor Seligman, "for the first time in the history of official commissions."[26] The report of this commission was considered timely enough in 1902 to justify a reprint by the state. But its suggestions have found no response in legislative action.

The special tax commission of 1910 reiterated the recommendation contained in the report of 1886 in regard to the appointment of a permanent tax commission and it suggested further the advisability of constitutional changes permitting the different treatment of various kinds of property for taxation purposes.[27] Moreover in Professor Fairlie's report it was suggested that "to secure the largest results, it would seem necessary to change radically the method of selecting local assessors so as to eliminate political and local influences, by making such officers appointive for longer terms and for larger districts."[28] One of the members of the commission, H. B. Riley, made an independent report in favor of assessors appointed under civil service regulations. But thus far, all the recommendations and suggestions of this commission have had no more effect upon the legislature than those of the earlier commission.[29]

Thus the testimony of all commissions which have investigated unites to convict the general property tax in Illi-

[24] *Cf. infra,* p. 135.

[25] *Rept. Rev. Com.,* 1886, pp. iv, vi, viii, ix, xiii.

[26] E. R. A. Seligman, *Essays in Taxation,* (seventh edition, N. Y., 1911) p. 401.

[27] *S. J.,* 47 G. A., 1 Sess., p. 184 *et seq.*

[28] Fairlie, *op. cit.,* pp. 27-28.

[29] *S. J.,* 47 G. A., 1 Sess., pp. 187-188.

nois of inefficiency in the taxation of real estate. Time and time again undervaluation and discrimination have been shown to exist. Unlike personal property, real estate does not in any case escape taxation entirely. One comes to suspect that this is so only because it is almost physically impossible. But all suggested changes to remove the temptation to undervaluation or to institute administrative supervision which would go far to check abuses have found no favor in the eyes of the Illinois legislators. In the case of personal property there seems to be a reasonable doubt whether the law is enforceable. There is no such doubt in the case of real estate. New York is able, in assessing her real estate, so approximate so closely its market value that real estate dealers find the tax returns a valuable guide in fixing prices. A similar condition should obtain in Chicago.

CHAPTER X.

Review, Equalization, Extension and Collection

REVIEW AND EQUALIZATION.

The system of review and equalization was evolved, it will be recalled, in an attempt to abate the abuses which had arisen from the undervaluation of property in one locality as compared with another. The theory of this plan is that the figures arrived at by the assessors working in the field shall be checked up, corrected and compared with the values arrived at by other assessors, and any discrepancies, mistakes or undervaluations corrected.

When the county clerk receives the assessment books from the assessor, he corrects all the errors he can discern.[1] Formerly, in counties which had townships, there was a township board of review, composed of the assessor, clerk and supervisor of the town, which met annually to hear complaints and make adjustments; but this was done away with in 1898.[2]

County Board of Review.

In all counties during the entire period there has been a revision by a county board of review, but the composition of this board has varied. Before 1898 the board of supervisors or the board of county commissioners acted as the revising board for the counties.[3] Since 1898 the assessments in the counties not under township organization have continued to be reviewed by the board of county commissioners.[4] In the township counties, on the other hand, the board of review has been differently constituted. At present it is made up of the chairman of the board of super-

[1] *L.* 1871-72, p. 24.

[2] *Ibid.*, p. 22; *L.* 1879, p. 243; *L.* 1881, p. 134; *L.* 1891, p. 187; *L.* 1898, p. 36 *et seq.*; *L.* 1907, p. 495.

[3] *L.* 1871-72, pp. 24, 25.

[4] *L.* 1898, p. 36.

visors and two citizens of the county, one from each of the leading political parties, appointed by the county judge.[5] An exception is made in the case of counties having a population of over 125,000 (Cook County). Here, after a preliminary revision by the board of assessors, the lists go before an elected board of review. The three members of this board are chosen for terms of six years, one member being elected every two years.[6]

Little is to be expected under the system in force in counties under township organization, where two of the members are appointed annually. The investigation made for the revenue commission of 1910 showed that there was criticism of this feature on the ground that it promoted frequent changes of membership and prevented "the board from becoming to any important degree an expert body."[7] The situation must often work out as it has in one particular county recently investigated, where the chairman of the board of supervisors was assisted by a boiler-maker and bar-tender, the appointed members, both of whom were, as the chairman confided, almost utterly ignorant of the revenue law and devoid of the desire and the intelligence necessary to learn. Their function was to act as clerks to the supervisor who changed assessments as he chose, often without going through the formality of asking the approval of the other members.

The Cook County board of review has not in recent years been subject to criticism because of lack of intelligence. The more serious charge that the members of the board have made use of their office to aid their private business has been made by the Illinois Tax Reform Association. It has been urged, to prevent such abuses, that none of the board be permitted to engage in business during his term of office.[8]

[5] *L.* 1901, p. 267; *L.* 1907, p. 497. This arrangement has held since 1901. For three years preceding this date the board was made up of the clerk of the county court, the chairman of the county board and one citizen appointed by the county judge. *L.* 1898, p. 36.

[6] *Ibid.*, p. 36 *et seq.*

[7] Fairlie, *Report on Taxation*, p. 13.

[8] *Report of the Illinois Tax Reform Association*, 1908, pp. 6, 7.

The act of 1898 sought to increase the efficiency of the county equalization machinery by the addition of two special oaths. Each member of the board of review was to take the following oath before entering upon the duties of his office:[9]

I do most solemnly swear (or affirm) that I will, as a member of the board of review of assessments, faithfully perform all the duties of said office as required by law; that I will fairly and impartially review the assessment of all property as made, that I will correct any and all assessments which should be corrected; that I will raise said assessment or lower the same as justice may require; that I will do and perform all acts necessary to produce a full, fair, and impartial assessment of all property of every kind, nature and description.

Further, upon the completion of the revision the members of the board were required to make affidavit, according to a set form, that they had properly completed the work to which they had pledged themselves.[10]

The functions of the county board of review may be briefly outlined as follows. First, it may add property which has escaped assessment.[11] Second, it may correct individual assessments, in such manner "as shall appear to be just". The corrections may be made upon complaint of the person assessed or, under the act of 1898, upon the initiative of the board itself.[12] In case it is proposed to raise the assessment, the property owner and the assessor must be notified and given an opportunity to be heard. Third, the county board of review may increase or reduce the entire assessment of either real or personal property so as to equalize the assessment between sections of the county or between the classes of property.[13] Under the law of 1872 the board could neither reduce the assessment below the aggregate valuation as made by the assessors nor increase it more than was "actually necessary."[14] But the old law contained a provision under which the board could set aside the entire assessment and order a new one made in accordance with its instructions. Finally, the board

[9] *L.* 1898, p. 36.
[10] *Ibid.; L.* 1907, p. 495.
[11] *L.* 1871-72, pp. 24-5; *L.* 1898, p. 36 *et seq.; L.* 1905, p. 360.
[12] *L.* 1898, p. 36 *et seq.; L.* 1905, p. 360; *L.* 1907, p. 495.
[13] *L.* 1898, p. 36 *et seq.; L.* 1905, p. 360.
[14] *L.* 1871-72, p. 24.

may hear and determine the application for relief of any person who is assessed on property claimed to be exempt from taxation.[15]

To aid in its task as sketched above, the board is armed with power "to summon any assessor or any deputy or other person to appear" before it to be examined under oath as to the correctness of the valuations returned or the methods used in ascertaining them.[16]

After the review is completed, a set of the assessment data, with the corrections entered, is returned to the county clerk, to serve when equalized as the basis for the levy of the rates.[17]

State Board of Equalization.

After the review by the county boards the assessment is equalized by the state board of equalization. The origin of this board in the late sixties has already been discussed. Its powers were redefined by the act of 1872. Much trouble was apprehended from the extent of the authority granted to this body but little has been actually experienced, both because the powers granted have proved not to be so broad as expected and because the board has shown little disposition to exercise what powers it has.[18]

The state board of equalization is composed of one member elected from each congressional district for a term of four years and the auditor of public accounts. At present it consists of twenty-six members.[19] The pay of the board has been recently changed from a per diem to a salary basis. Instead of five dollars per day, the members now receive one thousand dollars per annum.[20]

[15]*Ibid.*, pp. 24-25; *L.* 1898, p. 36; *L.* 1905, p. 360.

[16]*L.* 1898, p. 36 *et seq.*

[17]*Ibid.*; *L.* 1905, p. 360.

[18]This is the board which was characterized by one writer as "the grand inquisitorial and confiscatory office, clothed with powers and functions which, if enforced, would have produced a revolution in Austria or Turkey!" C. J. Bullock, *Readings in Public Finance* (Boston, 1906), p. 206.

[19]*L.* 1871-72, pp. 26, 27; *Proceedings*, 1912, p. xcii.

[20]*L.* 1871-72, p. 30; *L.* 1907, p. 494.

The board is organized by selecting one of its members as chairman and by appointing a secretary. The secretary compiles the assessment statistics for the use of the board and prepares their report for the press. The board meets annually on the first Tuesday after the tenth of August and is required to adjourn finally by November first.[21]

The board has power to increase or decrease the aggregate amounts of the county valuations so as to make the assessment in one county bear a just relation to the assessments in other counties of the state. Since 1898 the total amount of increase or decrease by the board may not exceed ten per cent of the total assessed value of property in the state; before 1898, the limit except for railroad property was one per cent.[22] It is required that the board consider separately the following classes of property and calculate equalization percentages for them: personal property, railroad and telegraph property, lands and town and city lots. Individual assessments are, of course, not taken up, the county aggregates for the various classes only being considered. To form a basis for the equalization of personal property the board is required to calculate the state average value of each item enumerated on the schedule, to compare the county average, and to use the result in calculating a percentage to be added to or deducted from the county assessment of all personal property.[23]

After the board has determined the rates of addition or subtraction it certifies its action to the auditor and he forwards the equalization data to the various county clerks.[24]

No one seems to find anything worthy of praise in the state board of equalization except its direct beneficiaries, the members of the board themselves; and even they are often far from unanimous in their estimate of the value of the machinery of which they form a part. A particu-

[21] *Ibid.*, p. 495.
[22] *L.* 1871-72, p. 27; *L.* 1898, p. 36.
[23] *L.* 1871-72, p. 28.
[24] *Ibid.*, pp. 29, 30.

larly virulent attack was made by a member of the present board late in 1913 after it had completed its work for the year. He charged that the committees to which the work of equalization was referred met seldom and performed their work in a hasty and perfunctory manner. "Political motives entirely control the actions of these committees" is his testimony. Not only are they influenced "through fear of the voting tax-payers to make no changes", but, he charges, they are also disposed to discriminate deliberately by raising the assessment in the district of a particular member "for purposes of political revenge, to teach the member a lesson that he will be less active in public agitation for the reform of our iniquitous taxing system." "The custom has been to never raise the assessments in a county unless the member from that district gives his consent." In view of this statement, there is no cause for wonder why so few changes are made by the board. The meeting of the committees of the board were characterized as "an absolute farce" and "a perfect burlesque."[25]

On the whole the tempered, calculated statements of the official commissions seem to sustain to a large degree the seemingly rash and hasty charges of the pamphleteers against the efficiency of the system. The revenue commission of 1886 characterized as "arbitrary and unjust" the equalization between counties by the state board.[26] The plan of adding percentages to the county aggregates was attacked as unfair to the scrupulous property owner who lists his property at its full value. "Thus upon pieces of property already assessed at a large fraction of their value" the report says, "frequently an increase of valuation is made, which carries them above their market value."[27] This commission saw no escape from the evils of equalization except by segregating the sources of state and local revenue. The commission of 1910 was less radical and recommended that the equalization of assessments between

[25]H. T. Nightingale in letters to *The Evanston Press,* December 6, 1913, and to *The Chicago Record-Herald,* November 25, 1913.

[26]*Report,* pp. 11, 12, 13.

[27]*Ibid.,* p. iii.

the counties be made a function of a permanent tax commission.[28] The present board was styled by Professor Fairlie "a clumsy and ineffective body."[29] Indeed such a conclusion was inevitable in face of the evidence of the need of equalization and of the inactivity of the board. Here is part of the indictment. "Since 1900, the state board has made no changes in the local assessments for personal property (except one county in 1907); and in 1907, 1908 and 1909 no changes in the local valuations for lots. Finally in 1909 and 1910, the state board has not made a single change in the local assessments of any class of property." In 1911, again, the board made no changes in personal property assessments; and in 1912 the sole change was a ten per cent reduction in the assessed value of the lots in one county.

The fact that the board is a representative body is of itself almost enough to unfit it for its purpose. The theory seems to be that each member is elected to protect his own district. In 1895 Governor Altgeld charged that the activity of the board was "simply an effort by one or more sections of the state to throw the burden onto some other portion of the state" and the annual struggle of the members for a low classification of their counties seems to bear out the governor's charge.[30] To one who sees no force in the political arguments for the retention of the state board of equalization in its present form, it seems incomprehensible that the board should continue to exist. Almost, if not quite as expensive as a small, highly skilled, permanent commission, obviously inefficient in the work which it is expected to do, assailed by the testimony of its own members, convicted by the verdicts of both of the expert commissions to which the legislature has appealed for advice, the board still is able to retain its place as a part of the tax system.

[28] *S. J.*, 47 G. A., 1 Sess., p. 184 *et seq.*
[29] Fairlie, *Report on Taxation*, p. 66.
[30] *S. J.*, 39 G. A., 1 Sess., p. 23.

EXTENSION OF TAXES.

When the state board has finished its work of equalizing the county assessments, the base of the tax is at last prepared for the extension of the rate. In Illinois the rate actually levied is a combination of state, county, city or village, road and bridge, school and various other rates, the amount of each being determined by the proper authority and certified to the county clerk who combines the rates and calculates the tax which each property owner must pay. The various taxing bodies are usually restricted in the rates they may levy by constitutional or legislative regulations; and the county clerk, when calculating the rate, is subject to the limitations of the Juul law.[31]

The State Tax.

The tax for state purposes forms a relatively insignificant part of the total rate. Thus in 1911 when the average rates of taxation of all the counties in the state was $4.12 on each one hundred dollars valuation, the state tax was only thirty-five cents,[32] and while all the taxes in the state amounted to $95,808,578.84, the tax for state purposes was but $8,305,799.73. During the period under consideration the state rate has fallen as low as twenty-seven cents on the one hundred dollars (1879), and has risen as high as sixty-six cents (1897) and seventy cents (1913); but these figures mean little unless taken in conjunction with the degree of undervaluation present in those years. In 1913 the rate was levied upon a legal valuation of 33 1-3% of the cash value of property; actually the valuation was considerably lower than 33 1-3%. The high rate in 1913 is exceptional, the rate in 1911 having been but thirty-five cents and in 1912 but thirty-eight cents. It was due in part to increased appropriations and in part to a failure to levy a sufficiently high rate in 1912. A newspaper dispute has arisen between ex-Governor Deneen and Governor Dunne over the question of the responsibility for the in-

[31] *Infra*, p. 190 *et seq.*

[32] *Aud. Rep.*, 1911-12, pp. 199, 531.

adequacy of the revenue produced by the 1912 rate. It appears that only enough money was raised to meet expenses through June 30, 1913, making it necessary to resort to emergency methods to get funds to support the government until the collections on the assessment of 1913 should become available, in the spring of 1914. This necessity and the inordinately high tax rate have served to embarrass somewhat the new administration.[33]

During most of the period the state tax has been strictly an apportioned one. In the early history of the state most of the rates were specified; that is, certain rates for state purposes were fixed by statute, the proceeds from which formed the sums available to meet state expenses. Under this system the expenses tended to be accommodated to the income rather than the reverse. But since 1867 the state legislature has first made its appropriations and then directed that the sum necessary to meet the appropriations be apportioned among the counties, so that each county pays a *pro rata* share according to the value of its taxable property. The governor, auditor, and treasurer are designated in the revenue law as a committee to calculate the state rate annually on the completion of the assessment and equalization of property.[34] In fact, however, during most of the period the work seems to have been done by the governor and auditor alone, the act passed by the succeeding legislature specifying that these two officials calculate the rate required.[35]

It might be supposed that without a constitutional tax limit the legislature would appropriate unduly large sums. But as the scheme has worked out, instead of the appropriations being made without reference to the income expected, they have been very strictly controlled with a view to keeping down the state tax rate. The responsi-

[33]*The Chicago Tribune* and *The Chicago Record-Herald,* November 21, 1913.

[34]*L.* 1871-72, pp. 30, 31.

[35]From 1871 to 1903 the governor and auditor were the only officials designated. Since 1903 the treasurer has been included with the governor and auditor.

bility for the rate of taxation has come to rest very largely upon the shoulders of the governor and it has become one of his functions so to prune the appropriations as to make the state rate a political argument in favor of the efficiency of his administration. It is a question whether under this system the best interests of the state have not sometimes been sacrificed to political necessity.

As its formal authorization of the calculation of the total state rate, the legislature passes at each session "An act to provide the necessary revenue for state purposes." In the first place this act specifies that a sum which has varied from $1,500,000 in 1872 to $10,600,000 in 1913[36] be raised for general state purposes to be designated the "Revenue Fund." All through the period this part of the state rate has been an apportioned tax. Next, the act directs a second sum to be raised, called the "State School Fund," the amount of which has varied from $700,000 in 1879[37] to $3,000,000 in 1913.[38] This part of the tax has been apportioned since 1875, a lump sum being substituted at that time in lieu of the two mill tax formerly levied for school purposes.[39] The act for raising revenue passed in 1872 included a provision for raising $200,000 annually for the Interest Fund, but the necessity for this soon disappeared and after 1874 no levy was made to replenish it. In 1911 the legislature took a step away from the apportionment plan by passing an act authorizing the levy of a fixed rate of one mill on every dollar of assessed valuation, to be paid to the treasury and set apart until appropriated to the use of the University of Illinois.[40] Although this plan reduces the flexibility of the state financial administration, it makes somewhat more certain a uniformity of support for the university, which is an end greatly to be desired. At times, special state taxes are levied, as in 1871 and 1872 when a levy of one and a half mills was

[36] *L.* 1871-72, p. 670; *L.* 1913, p. 512.
[37] *L.* 1879, p. 254.
[38] *L.* 1913, p. 512.
[39] *L.* 1871-72, pp. 31, 732.
[40] *L.* 1911, p. 484.

authorized for the "Canal Redemption Fund."[41] When a total rate has been calculated which will produce the amounts authorized to be levied for state purposes, the auditor certifies it to the county clerks who extend it upon the assessments for their counties as revised by the state board of equalization.

Local Rates.

The amount of the county tax is determined each year by the county board.[42] It will be recalled that the rate must be kept within the constitutional limit of seventy-five cents on the hundred dollars. The counties may go above this limit, however, by special vote of the people or for the payment of indebtedness contracted before 1870.[43]

An investigation made in 1913 by Professor Fairlie shows that the constitutional limit is not always observed.[44] He states that:

in 1911 the rate in 34 counties was less than 45 cents, the minimum being 17 cents in Ogle County. In 18 counties the rate was the full 45 cents, provided under the Juul law. In 38 counties the county rate was more than 45 cents but less than the constitutional limit of 75 cents. In 12 counties the constitutional limit had been reached; and in two counties this was exceeded.

The authorities of "towns, townships, districts, and incorporated cities, towns, and villages" are required to certify to the clerks of their counties the amounts which they require to be raised by taxation each year.[45] To analyze all the acts delegating the taxing power to these local bodies would be too great a task. In 1870 part of the municipalities of the state were organized under special charters and part under the general incorporation act. Consequently there was a great variety in the objects for

[41] *L.* 1871-72, p. 170.

[42] *Ibid.*, p. 31; *L.* 1909, p. 325.

[43] *Ibid.* Also *L.* 1873-74, p. 74; *Rev. Stat.* 1874, p. 307. Thus by an act of 1907 a county tax of one mill in addition to the constitutional limit was authorized for the establishment of detention homes. An appeal to the voters of the county was necessary for the levy, however.

[44] *Report Prepared for the Joint Committee of the Forty-Seventh General Assembly on County and Township Organization, Roads, Highways and Bridges,* II, 103.

[45] *L.* 1871-72, p. 31; *L.* 1873-74, p. 52.

which taxes could be levied, and this variety still obtains to a greater or less degree. Acts extending the functions of municipalities and permitting the levy of taxes to meet the expenses have been very frequent all through the period. Authorizations of taxes for water-works, sewage disposal plants, libraries, public hospitals, parks and boulevards, tuberculosis sanitariums, bridges, music in parks, etc. etc., are found in every volume of session laws. In many cases the laws only become operative upon vote of the citizens, so any calculation of the rates permitted would be a useless undertaking.

In the early years of the period there was considerable misunderstanding as to whether the revenue act of 1872 superseded the financial provisions of the various special municipal charters. A number of cities and towns, including Chicago, made their assessment for 1872 under the system provided in their special charters, and acts passed in 1873 legalized such assessments.[46] But soon this plan was declared invalid and since 1877 "all cities, villages, and incorporated towns, in this state, organized under general or special charters" have been required to assess and collect their taxes under the provisions of the act of 1872.[47]

The rate of taxation in cities and villages is subject to several checks. Aside from the debt limit of five per cent imposed by the constitution upon all local bodies, which is of course an indirect restriction on the tax rate,[48] the municipalities are required by an act of 1909 to keep their tax rate for all purposes except the payment of debt or interest within 1.2% on the equalized assessment for the current year.[49] In certain municipalities the rate for purposes other than schools or debt payment was to be sixty cents on the one hundred dollars of the equalized assess-

[46] *Ibid.*, p. 45; *Rev. Stat.* 1874, p. 254.

[47] The People *ex rel. v.* Cooper *et al.*, *83 Ill. 585* (1876); *L.* 1877, pp. 56, 61.

[48] *Supra*, p. 128.

[49] *L.* 1909, p. 141. The act excludes municipalities organized under special charters which permit a higher rate.

ment of the preceding year.[50] There had been no specific tax limit before 1879 but at this time an act was passed which imposed a limitation of two per cent for all purposes except debt payment. Another act in 1881 made the limit one per cent for purposes other than debt payment and the support of schools.[51]

Of the independent boards endowed with power to levy taxes, those in charge of the roads and the schools are the most important. In 1911, the district and city school taxes charged on the tax books amounted to nearly seventeen million dollars, and the road and bridge tax to almost six million.[52]

The complication which has been so long present in the road taxes due to the two ways in which the local communities may be organized, *viz.*, as township or county, has been largely eliminated by a new code passed in 1913.[53]

Under the old system there were two distinct codes, one for each form of organization. Counties organized by townships had the option of a labor or a cash system. This was not true of the other counties; they could only use the cash system.[54] If a township chose the cash system, the maximum levy was thirty-six cents.[55] On the other hand if the township chose the labor system, two taxes were levied; the road tax, payable in labor if desired, and the road and bridge tax, payable only in cash. It became necessary to make this arrangement in 1873 in order that a certain portion of the tax should be available in cash to meet the expenses of salaries, material etc. The maximum levy for each tax was twenty-five cents on each one hundred dollars of valuation.[56] Labor on the roads

[50] *Ibid.*, p. 142.

[51] *L.* 1879, p. 66; *L.* 1881, p. 59.

[52] School taxes—$16,783,744.88; road and bridge taxes—$5,732,019.97. *Aud. Rept.*, 1912, p. 193.

[53] *L.* 1913, p. 520 *et seq.*

[54] This statement does not take the poll tax into consideration.

[55] Formerly this rate was sixty cents. *L.* 1883, p. 136; *L.* 1909, p. 333.

[56] Formerly this rate was forty cents. *L.* 1883, p. 156; *L.* 1903, p. 304; *L.* 1909, p. 335.

was until 1913 valued at $1.25 per day; from 1873 to 1877 it was $1.50 per day. The rates given were not absolute limits; an additional rate might be levied by special arrangement when deemed necessary.[57] Moreover, if money was still needed for the particular purpose of paying damages, another twenty cents might be collected. A poll tax might also be used to obtain revenue. This resource has been constantly available except for the two years 1877-1879.

Counties which had not adopted the township form of organization could levy a road tax, payable only in cash, up to thirty cents per one hundred dollars of valuation.[58] From 1887 to 1889 the limit was one dollar and from 1889 to 1909, fifty cents.[59] But as in the case of the townships, this limit was not rigid.

Aside from all other road taxes, there might be levied in counties of both classes a special tax of one dollar on each one hundred dollars assessed valuation for the construction of macadam and gravel roads. But such a tax had to receive the sanction of a majority vote of the people.[60] Similarly, a tax of one-half of one per cent could be levied in counties not under township organization to build roads upon lands subject to overflow.[61]

The new general codification act passed in 1913[62] sweeps away the illogical and confusing distinctions between counties organized by townships and those with merely the county form of organization. Provision is made for the appointment of county superintendents of highways in all counties. For all road and bridge purposes, road districts in counties not under township organization were made coördinate with townships in other counties. In the country districts, except where the voters declare against it, a poll tax of from one to three dollars

[57] *L.* 1903, pp. 303, 304; *L.* 1909, pp. 333, 335.
[58] *Ibid.*, p. 331.
[59] *L.* 1889, p. 230.
[60] *L.* 1883, p. 132; *L.* 1905, p. 369; *L.* 1907, p. 503; *L.* 1909, p. 327.
[61] *L.* 1899, p. 340.
[62] *L.* 1913, p. 520 *et seq.*

is levied, payable only in cash. The general tax levy for road and bridge purposes is restricted to 61 cents on each one hundred dollars of taxable property. An additional levy of twenty cents may be made to pay damages for laying out roads etc. and the hard roads law of 1909 is retained.[63]

The importance of the labor element, as might be expected, became rapidly insignificant. In 1905 the money value of the labor tax was only about one-tenth of the total amount spent on road that year.[64] In 1913 this type of payment was eliminated.

The taxing power of the board of school directors[65] was modified by the law of 1872,[66] the school tax for ordinary expenses being limited to two per cent of the assessed valuation. Another three per cent was available for building purposes, upon vote of the people. In 1887 the state superintendent of public instruction, under the direction of the legislature, revised the school laws in order to eliminate their "many redundancies, inconsistencies, contradictions, and incongruities."[67] But the new general code adopted in 1889 preserved the former tax limits of two per cent for ordinary expenses and three per cent for buildings.[68] These limitations were extended to cities with special charters in 1891.[69]

In 1898 and 1899 the tax limits for ordinary expenses and for building purposes were changed to two and one-half per cent each,[70] and by a law passed in 1909, to one and one-half per cent,[71] at which figure they now stand. Certain cities are permitted by an act of 1913 to levy a two

[63] *Supra*, p. 186.
[64] *Report of the Illinois Highway Commission*, 1906, p. 15.
[65] *Supra*, p. 120.
[66] *L.* 1871-72, p. 718.
[67] *L.* 1887, p. 324.
[68] *L.* 1889, p. 288.
[69] *L.* 1891, p. 197.
[70] *L.* 1898, p. 36; *L.* 1899, p. 350.
[71] *L.* 1909, p. 394.

per cent rate for educational purposes if the voters agree.[72] Taxes for township high-schools are determined by township boards of education provided by an act of 1889.[73]

Most of the parks in Illinois are located in Chicago. Before 1872 they were controlled by special acts of the legislature but after the adoption of the constitution of 1870 the form of the park laws necessarily became general. But in spite of their general form most of the acts are still special in application. Almost every bill is drawn with some particular case in view and the ingenuity of the drafters is exercised so to shape their form as to bring them within the constitutional requirements. Consequently the park laws are a maze. Unless one is very familiar with local conditions it is often impossible to tell from the evidence in the statue itself what they mean, and to whom they are intended to apply.

Corporate authorities in municipalities have long been vested with power to maintain parks, but a general law providing for the formation of park districts and the election of a park commission with general powers of taxation seems not to have been passed until 1893.[74] In 1885 boards of park commissioners existing by virtue of various special acts were empowered to levy a light tax on property to meet certain expenses.[75] But park districts organized under the act of 1893 were to be supported primarily by the general property tax. No tax limit was fixed in the original statue; and no restriction was placed upon the debt which might be contracted until 1895, when it was placed at two and one-half per cent of the equalized value of the taxable property.[76] Another general park law passed in 1895 permitted taxation at the rate of four mills on the dollar.[77] In 1907 the so-called township park act was passed which provides for a one mill tax on property.[78]

[72] *L.* 1913, p. 585.
[73] *L.* 1889, p. 277.
[74] *L.* 1893, p. 153.
[75] *L.* 1885, p. 226.
[76] *L.* 1895, p. 268.
[77] *Ibid.*, p. 272.
[78] *L.* 1907, p. 437.

After the adoption of the constitution of 1870, drainage legislation also assumed a general form. Numerous laws were passed regulating taxation for this purpose. Some of the money is raised by the general property tax,[79] the law in force at present permitting a two per cent levy and an additional three per cent under special circumstances. But much more important is the share raised by the system of special assessments. It is usual for drainage projects to be initiated by a petition of property holders and after the assent of the voters of a district has been secured, to be supported by a levy upon the property benefited, sometimes according to the benefit received, sometimes according to the value of the property.

The latest addition to the ranks of special boards exercising taxing powers is made by acts passed in 1905 and 1909 which authorize the creation of forest preserve districts.[80] The present law permits a tax of one mill on the dollar and makes the debt limit one per cent of the assessed valuation.

The Juul Law.

When at length the county clerk is in possession of the necessary information, he proceeds to assemble the rates of taxation for his county. He has already entered into the collectors' books the lists of the taxable property as received and equalized.[81] The state rate comes to him in the form of a percentage which is to be levied on the assessment as equalized by the state board.[82] The county rate is also already calculated when it reaches the clerk but it is to be extended upon the assessment as it stands after the county review only.[83]

The officials of the "towns, townships, districts, and incorporated cities, towns and villages" send to the county

[79] *L.* 1889, p. 125. Also an act of 1907, entitled "an act to create sanitary districts in certain districts subject to overflow." *L.* 1907, p. 289.

[80] *L.* 1905, p. 279. *L.* 1909, p. 245.

[81] *L.* 1871-72, p. 32.

[82] *L.* 1901, p. 271.

[83] *Ibid.*

clerk merely the amount of money they require for the ensuing year, and it is part of his task to calculate the rate upon the taxable property lying within their respective jurisdictions. Here also, the assessment as reviewed by the county board of review forms the base.[84]

The dangers of the system as instituted in the law of 1872, by which there was no coördination or control of the amounts levied by the various taxing authorities, were pointed out by the revenue commission of 1886.[85] The property owner was exposed to the possibility of being taxed at the rate of eight per cent or more. No discretionary power was placed in the hands of the county clerk. His function consisted merely of the mechanical task of calculating and extending the rates. There was no one person responsible for a high or low rate of taxation. To prevent taxes from becoming unreasonable a provision was included in act of 1898[86] which vested the county clerk with power so to cut down the amounts asked by the various local taxing bodies as to bring the aggregate within reasonable bounds. As the result of amendments made in 1901, 1905, 1909 and 1913, the section designed to accomplish this purpose has reached a state of complexity which can be appreciated only by reading the text itself. This is the so-called Juul law:

The county clerk in each county shall ascertain the rates per cent required to be extended upon the assessed valuation of the taxable prop-

[84]Both state and county taxes were at first levied on the assessment as equalized by the state board. *L.* 1871-72, p. 33. In 1879 "all taxes levied by the proper authorities" were to be upon this base. *L.* 1879, p. 246. In 1881 a change was made back to the old arrangement, *L.* 1881, p. 136, and it was not until 1901 that the present form was adopted under which only the state taxes are levied on the state equalized assessment and all other taxes upon the assessment as it stands after the county review. *L.* 1901, p. 271.

[85]*Report,* p. v.

[86]The section passed in 1898 applied only to Cook County. *L.* 1898, p. 36 *et seq.* The aggregate of taxes was to be not more than five per cent, except for state and for school building purposes. A debt limit of two and one-half per cent was also imposed. This section was held to be unconstitutional on the ground that it singled out Cook County and was therefore a special law. Knopf *v.* People, *185 Ill. 20* (1900). The section was reenacted in general terms in 1901.

erty in the respective towns, townships, districts, incorporated cities and villages in his county, as equalized by the State Board of Equalization for the current year, to produce the several amounts certified for extension by the taxing authorities in said county (as the same shall have been reduced as hereinbefore provided in all cases where the original amounts exceed the amount authorized by law): *Provided, however,* that if the aggregate of all the taxes (exclusive of state taxes, village taxes, levee taxes, school building taxes, high school taxes, district school taxes and all other school taxes in school districts having not more than 100,000 inhabitants, road and bridge taxes, and for a period of three (3) years beginning with the year 1913 taxes levied for the payment of the principal of and the interest on bonded indebtedness of cities, and exclusive of taxes levied pursuant to the mandate or judgment of any court of record on any bonded indebtedness), certified to be extended against any property in any part of any taxing district or municipality, shall exceed three per cent of the assessed valuation thereof upon which the taxes are required to be extended, the rate per cent of the tax levy of such taxing district or municipality shall be reduced as follows: The county clerk shall reduce the rate per cent of the tax levy of such taxing district or municipality in the same proportion in which it would be necessary to reduce the highest aggregate per cent of all the tax levies (exclusive of state taxes, village taxes, levee taxes, school building taxes, high school taxes, district school taxes and all other school taxes in school districts having not more than 100,000 inhabitants, road and bridge taxes, and for a period of three (3) years beginning with the year 1913 taxes levied for the payment of the principal of and the interest on bonded indebtedness of cities, and exclusive of taxes levied pursuant to the mandate or judgment of any court of record on any bonded indebtedness), certified for extension upon any of the taxable property in said taxing district or municipality, to bring the same down to three per cent of the assessed value of said taxable property upon which said taxes are required by law to be extended: *Provided, further,* that in reducing tax levies hereunder the rate per cent of the tax levy for county purposes in counties having a population of over 300,000 shall not be reduced below a rate of forty cents on each one hundred dollars assessed value, and in counties having a population of less than 300,000 the rate of the tax levy for county purposes shall not be reduced below a rate of forty-five cents on each one hundred dollars assessed value, and the rate per cent of the tax levy for city or village purposes (exclusive of library, school and park purposes and for a period of three (3) years beginning with the year 1913 exclusive of the taxes levied for the payment of the principal of and the interest on bonded indebtedness) in cities and villages having a population of over 150,000 shall not be reduced below a rate of one dollar and ten cents on each one hundred dollars assessed value, and the rate per cent of the school tax for educational purposes shall not be reduced

below a rate of one dollar and five cents on each one hundred dollars assessed value, and the rate per cent of the tax levy for city or village purposes (exclusive of library, school and park purposes, and exclusive of the taxes levied for the payment of the principal of and the interest on bonded indebtedness) in cities and villages having a population of less than 150,000 shall not be reduced below a rate of one dollar and twenty cents on each one hundred dollars assessed value, and the rate per cent of the school tax levy for educational purposes shall not be reduced below a rate of one dollar and fifty cents on each one hundred dollars assessed value, but the other taxes which are subject to reduction under this section shall be subject only to such reduction respectively, as would be made therein under this section if this proviso were not inserted herein: *And, provided, further,* in reducing tax levies hereunder all school taxes levied in cities exceeding 150,000 inhabitants, with the exception of the levy for school building purposes, shall be included in the taxes to be reduced.

The rate per cent of the tax levy of every county, city, village, town, township, park district, sanitary district, road district, and other public authorities (except the state), shall be ascertained and determined (and reduced when necessary as above provided), in the manner hereinbefore specified, and shall then be extended by the county clerk upon the assessed value of the property subject thereto (being one-third of the full value thereof) as equalized according to law. In reducing the rate per cent of any tax levy, as hereinbefore provided, the rates per cent of all tax levies certified to the county clerk for extension as originally ascertained and determined under section one of this act, shall be used in ascertaining the aggregate of all taxes certified to be extended without regard to any reductions made therein under this section: *Provided,* that no reduction of any tax levy made hereunder shall diminish any amount appropriated by corporate or taxing authorities for the payment of the principal or interest on bonded debt, or levied pursuant to the mandate or judgment of any court of record. And to that end every such taxing body shall certify to the county clerk with its tax levy, the amount thereof required for any such purposes.

In case of a reduction hereunder any taxing body whose levy is affected thereby and whose appropriations are required by law to be itemized, may, after the same have been ascertained, distribute the amount of such reduction among the items of its appropriations, with the exceptions aforesaid, as it may elect. If no such election be made within three months after the extension of such tax, all such items, except as above specified, shall be deemed to be reduced *pro rata.*[87]

[87]The law as it stood in 1909 differed from the present law in that "district school taxes and all other school taxes," etc. were not included in the excluded rates and that the taxes for bonded indebtedness in the excluded group were more strictly defined. *L.* 1913, p. 517; *L.* 1909, p.

In the report prepared for the tax commission of 1910 the Juul law is criticized because it is so "highly complicated."[88] That this criticism is well grounded will be conceded upon reading the law. Even the officials who administer it often fail to understand it. This at least seems to be the best explanation for the illegal rates extended so frequently in Illinois. Rates above the limits prescribed by law are levied annually in almost every county of the state, and railways and other large tax payers find it to their advantage to employ attorneys to investigate the rates levied and secure abatements. Mr. John N. Wheatley, who has for years been employed by a number of railroads to protect their interests in this direction, states that on the average about five per cent of the total taxes assessed in Illinois are illegal and excessive and that a deduction of this amount is annually obtained by the railroads.[89] Surely this a strong argument in favor of the

323. Moreover the amendment of 1909 made few changes in the law as it stood after the revision of 1905. *L.* 1905, p. 365. District school taxes, which had been included among the taxes excluded from reduction, were now omitted. The precentages were so changed as to accommodate them to the new assessment basis of one-third. The bonded indebtedness limit was made six per cent in place of ten per cent; the tax limit three per cent instead of five per cent. The distinction in rates between counties and cities on the basis of their population was new. The limit of reduction for counties was made forty-five cents and forty cents; under the old law it was sixty-five cents. The limit for cities was reduced from $1.80 to $1.20 and $1.10. The law as it stood after the amendment of 1905 differed from the 1901 law only in that it contained the proviso protecting the city and county rates from too great a reduction. L. 1901, p. 272. Moreover, the law of 1901 made it the duty of the county clerk to scrutinize the taxes certified to him by the various authorities to ascertain whether they exceeded the limits provided in the statutes. In any case where the limits had not been respected the clerk was authorized to disregard the excess and treat the residue as the amount certified for extension. *L.* 1901, p. 272. The Juul law has received the approval of the state supreme court. The People *v.* The Chicago and Western Indiana Railroad Co., *256 Ill. 388* (1912).

[88]Fairlie, *Report on Taxation*, p. 16.

[89]This estimate was kindly furnished by Mr. Wheatley in a letter, dated Oct. 28, 1911.

creation of a permanent tax commission, which could, as a part of its duty, at least make sure that the provisions of the law were understood by the clerks and properly administered by them.

After the rate has been determined the clerk enters the amounts of the taxes due in the collector's book and gives the collector a warrant to collect the taxes and to pay them over to the officers entitled to receive them.[90]

COLLECTION OF TAXES.

The administrative machinery for the collection of taxes had been quite well worked out by 1872, and the revenue law passed at that time has been but slightly amended since. The most minute details are specified so that this portion of the code is disproportionately large in respect to its importance for the purposes of this study.

Collectors.

The treasurers in counties under township organization and the sheriff in other counties are the *ex-officio* county collectors.[91]

Collections are made, in counties with townships, by township collectors, elected biennially, and in other counties, by the sheriff.[92]

All collectors are bonded, township and district collectors to twice the amount of all taxes to be collected by them and county collectors to twice the amount of the state tax levied in their county.[93]

The remuneration of the collectors has through the entire period been on a fee basis; the fees of county collectors vary from one and one-half to three per cent, according to the population of the counties, the highest percentage being allowed in the very small counties. In counties under township organization the collector re-

[90] *L.* 1881, p. 136.

[91] *L.* 1871-72, p. 35; *Rev. Stat.*, 1874, p. 455.

[92] *L.* 1871-72, pp. 38, 39. A law passed in 1883 permitted the combination of the offices of treasurer and township collector. *L.* 1883, p. 174.

[93] *L.* 1871-72, pp. 33-38, 59.

ceives a smaller percentage as a commission on the collections of the township collectors.[94] The township collectors receive two per cent of the sums collected by them as their compensation.[95]

Collections and Settlements.

After the collectors have received from the clerks of their counties the tax books properly filled out, with a warrant attached, they proceed to collect the taxes, the township collectors being required by law to call at least once at the residence or place of business of the property owner, and the district collector to advertise through newspaper and posted notices where and when he will receive taxes.[96] Actually, however, even in the township counties, the collector seldom makes personal calls to collect the taxes, relying almost entirely upon newspaper and post card notices to bring the tax payers into his office.

Each month the township and district collectors pay to the proper authorities of the local taxing bodies their collections to date.[97] At the same time they pay over the county and state taxes to the county collectors. The county collectors report monthly to the county treasurers (the same person in most of the counties) the amount of county taxes received by them and available for use.[98]

At the end of the collection period and after a twenty day notice, the town and district collectors are required to appear before the county collector and make final settlement of the collections which have been delegated to them.[99] The balance of the money collected is at this time paid over and credits are allowed for delinquents. The county collector is expected immediately to make a preliminary settlement with the state officials for the state taxes and

[94] *Ibid.*, p. 437; *L.* 1877, p. 105.

[95] *L.* 1871-72, p. 444.

[96] *Ibid.*, pp. 33, 34, 35, 39; *L.* 1873-74, p. 52; *L.* 1879, p. 246; *L.* 1881, p. 130; *L.* 1898, p. 36; *L.* 1907, p. 500; *L.* 1911, p. 485.

[97] *L.* 1871-72, p. 41; *L.* 1873-74, p. 52. At first it was every twenty days.

[98] *L.* 1871-72, p. 67.

[99] *Ibid.*, p. 42. *L.* 1873, p. 52; *L.* 1881, p. 131. These amendments varied the date for the final settlement.

then to turn his attention to the delinquent list. After he has collected all the delinquent taxes possible he proceeds to make his final settlement with the county board,[100] and with the state auditor.[101]

Tax Lien and Tax Sales.

The collection of taxes is enforced by a lien upon the real or personal property assessed. If a person does not pay his taxes the township or district assessor may sell his personal property to make good the amount.[102] In case taxes are still unpaid when the township and district collectors make their final settlement, the taxes are declared delinquent, interest is charged upon them and application is made to the county court for judgment against the real estate of persons with unpaid taxes.[103]

The application of the tax lien to real and personal property is somewhat complicated. Personal property is liable for taxes levied on real property and *vice versa*. But the tax on personal property may not be charged against real estate except in case of removals or when the tax can not be made out of the personal property. On the other hand, a tax levied on real estate may be made out of personal property at any time after it becomes due.[104] In actual practice, however, the collector seldom sells personal property to make good a tax on real estate; indeed it is seldom that he sells personal property even to enforce the personal property tax itself, contenting himself merely with reporting all delinquencies to the county collector.

After a five day notice personal property may be sold for taxes by collectors at public auction.[105] The procedure for the sale of real estate is more formal and involved. The county collector must advertise in the newspapers his intention to apply to the county court for judgment against

[100]In some instances this is done through the county clerk. *L.* 1871-72, pp. 55-56.

[101]*Ibid.*, p. 57; *L.* 1873-74, p. 56.

[102]*L.* 1871-72, pp. 35, 39, 59; *L.* 1873-74, p. 52.

[103]*L.* 1871-72, pp. 43, 59; *L.* 1873, p. 52; *L.* 1879, p. 253; *L.* 1881, p. 130.

[104]*L.* 1871-72, p. 59.

[105]*Ibid.*, p. 40.

the real estate on which taxes are unpaid or which is owned by persons whose personal property tax is unpaid.[106] He must also advertise the date on which he intends to sell the land. The collector prepares what is known as "the tax judgment sale, redemption and forfeiture record," entering into it a list of the delinquent lands and lots.[107] The court examines this delinquent list and pronounces judgment, directing the clerk to order the sale of the property.[108] Any time before the day of the sale the property owner, by paying his taxes plus the interest and costs which may have accumulated, may forestall the sale of his real estate.[109] On the day of the sale the collector and clerk carefully check up the delinquent list to make sure that all payments are entered and the clerk then proceeds formally to order the sale in accordance with the direction of the court.[110]

The collector, assisted by the clerk, then offers the tracts for sale at the county court house. Under the law as originally passed the sale was made to the person who, in return for the amount due in taxes, offered to accept the least quantity of the tract.[111] In 1895 this was changed so as to make the successful bidder the man who, for paying the tax, would agree to exact the least percentage of penalty from the original owner, should he wish to redeem the property.[112] No bid of a penalty exceeding twenty-five per cent is accepted. In practice, most of the sales are made at this figure. A record of the sales is entered and a copy forwarded to the state auditor.[113]

[106] *Ibid.*, pp. 44, 45; *L.* 1873-74, p. 53.

[107] *L.* 1871-72, p. 46; *L.* 1879, p. 248.

[108] *L.* 1871-72, p. 47; *L.* 1873-74, p. 54.

[109] *L.* 1871-72, p. 46; *L.* 1879, p. 249.

[110] *L.* 1871-72, p. 48; *L.* 1879, p. 249.

According to the law as passed in 1872 the order for the sale of the lands was given by the court on the day of judgment. By the amendment of 1879 the land was not ordered to be sold until the day of the sale.

[111] *L.* 1871-72, p. 49.

[112] *L.* 1895, p. 298.

[113] *L.* 1871-72, p. 50.

Redemption.

The document given to a successful bidder at a tax sale is but an agreement for the transfer of title after the redemption period of two years has passed.[114] For the first six months after the sale, the redemption conditions include only payment of the amount for which the land was sold, plus the taxes accumulated since the sale, with interest and the penalty bid by the purchaser. But if the redemption is deferred, the penalty is doubled from the sixth to the twelfth month, trebled from the twelfth to the eighteenth, and quadrupled from the eighteenth month to the end of the period. The redemption period is extended in the case of property belonging to minor heirs, idiots, and insane persons.[115] If at the end of the period the land has not been redeemed and the prescribed notices have been served upon the owners and occupiers of the land, a deed is given to the purchaser.[116] But the deed must be taken out and recorded within one year after the redemption period has expired or it can never be taken out at all.[117] Moreover, unless the holder of the tax deed takes possession of the property within one year after the date of his deed, the original owner of the real estate may repay him his money outlay and receive back his real estate.[118]

Property Forfeited to the State.

If land offered for sale fails to find a purchaser for lack of bidders, it is forfeited to the state. The following year, if the taxes are still unpaid, the land is again offered for sale with the taxes of the new year added with interest and penalties. In cases where the taxes amount to a sum

[114] *L.* 1895, p. 109.

[115] *Ibid.*, p. 258. The law of 1872 originally specified twenty-five per cent as the penalty to be imposed during the first six months, fifty per cent during the second, seventy-five per cent during the third, and one hundred per cent during the fourth. *L.* 1871-72, p. 50.

[116] *L.* 1879, p. 256.

[117] *L.* 1871-72, p. 53.

[118] *L.* 1909, p. 146.

larger than the value of the land, the land is sold for what it will bring[119] and the amount received is distributed *pro rata* among the taxing authorities. Lands forfeited to the state may be redeemed by paying the charges against it plus various fees and penalties.[120]

On the whole the machinery for the collection of taxes seems to work smoothly. Until recently, except for some agitation for the abolition of the office of township collector, there has been little manifestation of dissatisfaction with the system in vogue.[121] During 1913, however, the delay of collectors in making settlements was the source of considerable complaint. It has been charged that county collectors in some cases delay settlements with the state auditor in order to put out the money at interest. The auditor should be furnished with means of forcing prompt settlements.[122]

[119]*L.* 1881, p. 137.
[120]*L.* 1871-72, p. 54; *L.* 1879, p. 254.
[121]Fairlie, *Report on Taxation,* p. 17.
[122]*Chicago Tribune,* November 24, 1913.

CHAPTER XI

The Taxation of Corporations

There have been evolved in Illinois a number of special devices to assist in the assessment of corporations. The ordinary methods have been at least partly discarded for some types of business corporations, for banks, for railroads, and for telegraph and insurance companies.

THE CORPORATE EXCESS PLAN.

A special effort was made under the law of 1872 to reach the intangible property of ordinary business corporations. All property which could be listed in the ordinary manner by the local assessors was to be taxed in that way, but in addition a special assessment was to be made by the state board of equalization. The framers of the law seemed to believe that the value that accrued to corporations as a result of the fact that the state had granted them the right to do and to act was a value that could not be reached by the local assessors using the ordinary methods. In order to reach it, it was arranged that the value of the securities of the corporation should be taken as the full value of the concern and that in case this amount exceeded the assessed value of the tangible property, the difference or corporate excess should be added to the assessment roll by the state board of equalization.[1]

Corporations subject to State Assessment.

Not all corporations are assessed by the state board under the corporate excess plan. In 1875, "companies and associations organized for purely manufacturing purposes

[1]For details as to the manner of assessment, see *infra,* p. 202. The discussion of the taxation of corporations is made more brief than would have been done, were it not for the monograph of J. R. Moore recently published, entitled, *The Taxation of Corporations in Illinois since 1872.* University of Illinois Studies in the Social Sciences, Vol. II, No. 1.

or for printing, or for publishing of newspapers, or for the improving and breeding of stock," were released from assessment by the state board.[2] Companies organized for the purpose of mining and selling coal were excepted in 1893.[3] These acts did not excuse such corporations from all assessment on capital stock and franchise values; it merely took the power of assessing these values out of the hands of the state board of equalization. But this was generally construed to mean complete exemption. In 1905, however, the legislature went further and specifically exempted the capital stock or corporations organized "for purely manufacturing and mercantile purposes, etc.," not only from assessment by the state board of equalization but from assessment by local assessors as well.[4] This move of the legislature was promptly blocked by the courts in a decision which declared such exemptions were not authorized by the constitution.[5] The assessment of the value of the capital stock and franchises of such companies is thus thrown back upon the local assessors; the capital stock of the corporations must be assessed locally or not at all.[6] These local assessors in the past have done even less than the board of equaliation, to reach these values, so that by being turned over to them, the corporations have little to fear.

The local assessor lacks power to compel the corporation to give information necessary for a proper valuation. He also has difficulty in many cases in deciding whether a given corporation falls under his jurisdiction or that of the board of equalization. The legal test, which is the

[2]*L.* 1875, p. 35.

The law reads that they shall be assessed as individuals. In 1879 (*L.* 1879, p. 251) the exemption was made more distinct, such companies being left "to be assessed by the local assessors." The law of 1879 was made necessary because of a discussion which had arisen in the board of equalization. Moore, *op. cit.*, pp. 65-66.

[3]*L.* 1893, p. 172.

[4]*L.* 1905, p. 353.

[5]Consolidated Coal Co. *v.* Miller, *236 Ill. 149* (1908); *cf.* The People *v.* The National Box Co., *248 Ill. 141* (1911).

[6]The People *v.* Federal Security Co., *255 Ill. 561* (1912).

purpose expressed in the corporate charter, is often a very inaccurate standard of the kind of business a corporation is actually carrying on. The situation is necessarily productive of much friction and is a prolific source of litigation.

In addition to the companies named above, homestead loan associations have been beyond the power of the state board of equalization since 1891.[7] Moreover, foreign corporations are not, of course, taxed in this manner.[8] These exemptions leave as the most prominent types of corporations subject to the board's jurisdiction in this particular, railroad, telegraph, gas and electric companies and companies organized for loan, insurance (domestic), bridge, dredging, hotel, storage, laundry, amusement, hardware, dry goods, provision, restaurant and dairy purposes.[9]

The framers of the law of 1872 decided not to tax to the individual owners the shares of the stock of corporations which are taxed on their corporate excess. The legality of such an exemption seems to be doubtful.[10]

Assessment Methods.

To enable the state board of equalization to estimate the corporate excess of the concerns falling under its jurisdiction, it is provided that certain information be supplied by the corporations to the local assessors who give it to the county clerk to be forwarded to the state auditor for the use of the board. This statement of information must include the amount of the capital stock of the corporation and its market or actual value, the amount of the funded debt,[11] and the assessed valuation of the property locally assessed.

[7] *L.* 1891, p. 89.

[8] But a foreign corporation operating a domestic corporation under a lease must return statements. Moore, *op. cit.*, p. 20; Postal Telegraph Cable Co. *v.* Bernard, *37 Ill. App. 105* (1890).

[9] State banks organized under special charter rather than under general law were assessed on corporate excess until 1893. *L.* 1893, p. 172.

[10] Moore, *op. cit.*, pp. 103-104.

[11] More specifically, this consists of the total amount of indebtedness, except the indebtedness for current expenses, excluding from such ex-

The board may supplement these statements with information from other sources. By rules of its own adoption,[12] it estimates the value of the securities of the company, equalizes this estimate, sets down the total assessed value and compares it with the equalized assessed value of the tangible property. If the value of the tangible property is not so great, the difference is added and taxed as capital stock. The amount of this excess is certified to the county authorities to be added to the assessment lists.

Efficiency of Assessments.

Great difficulty has always been experienced by the state board of equalization in securing from the corporations the prescribed information about their capital stock, funded debt, and assessed value of their tangible property. Even when successful in obtaining them, the reports have very often been defective, being altered in

penses the amount spent for the purchase or improvement of property. *L.* 1871-72, p. 11; *L.* 1879, p. 252; *L.* 1905, p. 353.

[12]The rules for determining the value of the capital stock of corporations have been changed three times since their primary adoption in 1873. In 1900 radical changes were made but were declared invalid by the courts in the Teachers' Federation case. *Infra,* p. 206. The rules in force at present were adopted in 1909 but differ very slightly from the ones originally adopted in 1873. They provide that the fair cash value of the shares of capital stock shall be determined, "consideration being given, among other things, to the value of the shares of the stock and the quotations of such shares in the market over such period of time as may be reasonable, also the books of said corporations and the returns made to the auditor of public accounts, or such other information as the board may have or be able to obtain." To this sum shall be added the amount of indebtedness, except that for current expenses. The board shall then equalize the amount "so that said companies or associations shall be assessed as near as practicable upon a uniform basis with other property throughout the state." From the aggregate amount so determined shall be deducted the assessed and equalized valuation of the tangible property of the corporation and one-third of the result, if any, is taken as "the assessed value of the capital stock of such corporation or association, including the franchise, over and above the tangible property thereof." Fairlie, *Report on Taxation,* p. 93.

many cases with a view to reducing the corporate excess. For example, when the law first went into effect, many managers, under the impression that the debt item would be used to offset the valuation placed on the capital stock, expanded the amount of their debt. But such doctoring had an effect exactly opposite from that expected. Instead of being used as an offset, the bonded debt was added to the stock to secure the total valuation for the corporation.[13] Needless to say, as soon as what was being done became known, doctoring of this particular kind came to a sudden halt.

Neglect or refusal to report still persists. The penalty provided in such cases is light enough to be ignored. When the report is not furnished by the corporation, the assessor is supposed to make it; many times he does not. Sometimes the county clerks do not bother to transmit such reports as have been gathered by the assessors in their counties; in 1900 the clerks in more than half the counties in the state neglected to do so.[14] During the early years the board held special hearings and summoned before it the officials of corporations concerning whose affairs information was desired. But before long it was found that no power rested in the board to compel the attendance of representatives of corporations; under these conditions it was found idle to continue the examinations. Nothing has been done in the past thirty years toward giving the board this power.

Recognizing that undervaluation exists in the assessment of all other kinds of property, the state board of equalization feels that it is compelled to undervalue the stocks and bonds reported to it. If uniformity in the assessment, as provided by the constitution, is to be attained, it is difficult to see what other procedure could be followed. But it can be followed only by sacrificing the requirement of the revenue law which calls for a fair cash valuation. However, the undervaluation of this type of property was,

[13]Moore, *op. cit.*, p. 24.

[14]*Pro. St. Bd. Eq.*, 1900, p. 17.

in a sense, recognized by the laws of 1898 and 1909[15] which prescribed that the assessed valuation of all property should be placed at a fraction of its cash value. Since this time, as undervaluation has been carried still further, the board has endeavored to keep on approximately the same level as the local assessors.

TABLE 18.

ASSESSMENTS OF CORPORATE EXCESS BY THE STATE BOARD OF EQUALIZATION, 1873-1912.(a)

	Net Assessed Value of Capital Stock	Number of Corporations Assessed
1873	$20,730,057	206
1874	11,719,216	224
1875	4,802,112	100
1880	2,179,460	29
1885	3,791,623	114
1890	6,956,909	314
1895	4,782,509	275
1900(b)	4,808,630	334
1901	21,477,943	749
1902	22,705,627	1988
1903	15,116,104	1520
1904	13,032,412	1442
1905	12,942,970	1218
1906	12,665,601	1832
1907	10,608,000	1302
1908	18,683,448	1281
1909	35,394,441	1168
1910	30,265,148	2154
1911	30,568,450	930
1912	27,734,277	780

(a) Compiled from *Pro. St. Bd. Equal.* and Fairlie, *op. cit.*, p. 224.
(b) Original assessment.

The actual work of assessing the corporate excess falls to one of the committees of the board, the capital stock committee, and the activity of the board as a whole is limited in practice to approving the report of this committee. It is only in the rarest cases that any change is made in the committee reports. The other members of the board seldom know what is being done by the capital stock committee and it is charged that their votes are asked in ap-

[15] *Cf. supra*, p. 103.

proval of the report without adequate time for them to consider the justice of the assessments recommended.[16]

Just criticism may be directed toward the reports of the board. They vary in the data presented from year to year and seldom are all the facts presented which are essential to a judgment of the efficiency of the assessment.[17]

Table 18 shows the assessed value of the capital stock of corporations other than railroads, as assessed by the state board in the years given, and also the number of corporations found to have a corporate excess.

The large assessment for 1873 has already been partly explained by the statement that much bonded indebtedness was reported under the misapprehension that it would be used to offset the assessment of the capital stock.[18] By 1877, in four years, the assessment had shrunk from $20,730,057 to $1,605,783; but part of the shrinkage is accounted for by changes in the interpretation of the law which exempted certain companies formerly assessed.

Teachers' Federation Case.

The great increase in the assessment of 1901 was due directly to the interference of the courts as the result of litigation instituted by the Teachers' Federation of Chicago. In 1899 and 1900 the work of the schools in Chicago had been somewhat hampered by the lack of funds.[19] What was most to the point was the announcement by the board of education that it would be unable to carry into effect a new scale of salaries for the teachers which had been adopted in 1898. Looking about for a means of relief, the Teachers' Federation investigated revenue conditions and soon uncovered grave abuses in the assessment of property. The assessment of corporate excess by the state board of equalization was chosen as the most promising

[16]Moore, *op. cit.*, p. 45 *et seq.*

[17]Evidence on this point may be found in Moore, *op. cit.*, p. 45 *et seq.*, and Fairlie, *op. cit.*, pp. 61-63.

[18]*Supra*, p. 204.

[19]*Chicago Tribune*, Oct. 14, 1900.

point of attack. Here a large increase of revenue could be hoped for without antagonizing the general public by an increase in the tax rates. The methods of the board were notoriously lax and the federation found little trouble in finding specific evidence of gross errors in assessment. Twenty-three public-service corporations were chosen for attack in a test case. It was claimed by the teachers that the real value of the securities of these companies was $268,108,312. They were taxed on the merest fraction of this amount by the local assessors and yet most of them were assessed nothing at all on their corporate excess by the state board. By resorting to mandamus proceedings the teachers compelled the assessors to secure the assessment data from the corporations,[20] and to forward them to the state board of equalization. Then they petitioned the board to assess the corporations on their corporate excess according to their own rules, adopted in 1873.[21] The board, upon receiving legal advice to the effect that, as a body having judicial power, it was not forced to assess the companies, ignored the petition.[22] The teachers in turn began mandamus proceedings against the board.[23] But while these were yet under way, the board attempted to circumvent them by adopting a new set of rules for valuing capital stock which would permit it to give the companies light assessments. Under these rules the board assessed seven of the companies about twelve and one-half million dollars and exempted the remainder. The mandamus proceedings, however, were not abandoned; but the case dragged along in the courts for some months. At length, in May, 1901, a decision favorable to the teachers was reached and the board was directed to assess the corporations according to the old rules. The case was appealed but the supreme court reaffirmed the position of the lower court and, in November, 1901, issued a writ of man-

[20] *Cf. supra,* p. 202.
[21] *Cf. supra,* p. 203.
[22] *Chicago Tribune,* Oct. 24, 1900.
[23] *Ibid.,* Oct. 28, 1900.

damus directing the reassessment to be made.[24]

Dissatisfaction with the reassessment caused the case to be carried to the United States courts. Here it was held that the new assessment had not been made on the proper basis,[25] because the property of these corporations had been assessed at its full value while the property of other corporations had been undervalued.

When matters were finally adjusted the companies paid taxes on $21,034,000, a substantially larger sum than that on which they had been assessed at first.[26]

[24]State Board of Equalization *v.* People, *191 Ill. 529* (1901; *Chicago Teachers Federation Bulletin,* Nov. 15, 1901.

[25]Chicago Union Traction Co. *v.* State Board of Equalization, *112 Fed. Rep. 607.*

[26]*Chi. Teach. Fed. Bull.,* Nov. *22,* 1911; *Chicago American,* Mar. 31, 1912, quoted in *Bulletin;* Fairlie, *op. cit.,* pp. 87, 88.

The tax campaign aroused much enthusiasm. Once started in the fight, the teachers seemed to forget the first cause of the campaign and they came to feel that they were angels of light engaged in a crusade against the forces of darkness, the "moneyed corporations." Articles upon the "moral significance" of the tax litigation appeared in the *Federation Bulletin* (see issue of Oct. 7, 1902) and doggerel like the following sample served to inspire the teachers:

The Tax War.

The Teachers' Federation
 When it sought to right a wrong
Was well aware 'twould have to fight
 A battle 'gainst the strong.

.

They spent their money freely,
 Although their pay was small,
To compel the equalizers
 To do justice unto all.

.

But that great board, unheeding,
 In its duty still is lax,
And the moneyed corporations
 Escape still their lawful tax.

.

Brave hearts, be not discouraged,
 For when the fight is done,
The world and you will reap the fruit
 Of victories you have won.

Chi. Teach. Fed. Bull., Jan. 31, 1902.

After a substantial increase in 1909, due to the change in the legal assessment ratio from one-fifth to one-third, the assessment of the corporate excess has once more begun to decline. Less than half as many corporations were assessed in 1912 as in 1902. In 1912 only an even dozen corporations were assessed as much as $100,000. The great majority of the assessments were for less than $5,000.

Whatever the cause of the inactivity and inefficiency of the board may be, whether it is corruption as charged by the Illinois Tax Reform Association,[27] or its clumsy size and negligence, as suggested by the special tax commission[28] there seems to be little excuse for retaining the system. Its work could be done much more efficiently and probably more economically by a small expert body.

RAILROADS.

The assessment of railroad property is also divided among the local assessors and the state board of equalization, the board, in this case, carrying a larger share of the load. Not only does it assess the corporate excess of railroad companies but also such types of tangible property as are difficult for the local officials to assess in a satisfactory manner. The Illinois Central Railroad forms an exception to the general rule of assessment, being exempted from ordinary taxes in view of a percentage of gross receipts which it pays into the state treasury by charter agreement.[29]

The sections of the revenue law providing for the assessment of railroad property have remained unamended in any particular since they were passed in 1872. They provide that the proper officials of the railroad shall keep on record with the county clerk a description of the property in the county held by the railroad as its right of way, the length of all main, side, and second tracks and turnouts lying in the various taxing districts, and the value of improvements and stations located on

[27] *Report*, 1909, p. 10.
[28] *S. J.*, 47 G. A., 1 Sess., p. 184, et seq.
[29] *Priv. L.*, 1851, p. 71; *supra*, p. 108 *et seq.*

the right of way. All such property is classed as real estate and is designated "railroad track."[30] Annually each railroad must make statements of assessment data to clerks of the counties through which their roads run and to the auditor of public accounts. The statement which goes to the county clerks gives, in the first place, the value of the "railroad track" in the county, and second, the value of all the "rolling stock" which is defined as movable property belonging to any railroad. In addition to the above information, the statement which goes to the auditor each year contains data on the type of construction of the road-bed, the character of the improvements on the "railroad track", and a statement of the securities of the company similar to that furnished by other corporations taxed by the corporate excess method.[31] The auditor turns over the data to the state board of equalization which assesses the roads on their "railroad track", their "rolling stock" and their corporate excess, and distributes the assessed value among the local communities in the proportion that the main track lying within the boundaries of the district bears to the total length of the main track within the state. The only exception to this apportionment is that side or second tracks, turnouts and buildings on the right of way are taxed in the district where they chance to lie.[32] All real estate and personal property not included in "railroad track" and "rolling stock" is taxed by the local taxing authorities exactly as other taxable property, but such property is usually inconsiderable in amount.

The introduction of this scheme of assessment in 1872 had the effect of increasing five-fold the valuation of the railroad property in the state, from $25,568,784, in 1872, to $133,520,633, in 1873.

But here also a shrinkage soon appeared which becomes evident from an examination of Table 19, which

[30] *L.* 1871-72, p. 13.
[31] *Supra*, p. 202.
[32] *L.*, 1871-72, p. 14.

shows the total equalized assessment of railroads for the years designated.

TABLE 19.

TOTAL EQUALIZED ASSESSMENT OF RAILROADS, 1873-1912.(a)

1873	$133,520,633
1874	81,707,598
1875	60,486,343
1880	47,365,259
1885	63,052,736
1890	75,310,524
1895	81,565,298
1900	80,627,321
1905	97,728,276
1906	102,721,035
1907	107,497,141
1908	110,397,824
1909	186,514,540
1910	187,019,990
1911	195,023,706
1912	202,596,754

(a) Compiled from the *Proceedings of the Illinois State Board of Equalization* and from Fairlie, *Report on Taxation*, p. 218.

The low level of $40,461,865 was reached in 1878. Since this date the assessment has pulled slowly but fairly steadily upward. The establishment of the one-fifth basis in 1898 made no perceptible difference, but the change to the one-third basis explains the rise from $110,397,824 in 1908 to $186,514,540 in 1909.

The year the law of 1872 went into effect the board found a corporate excess for the railroads amounting to $64,611,071. But this had dwindled to about ten million in 1876 and the following year disappeared entirely. For the succeeding twenty years not a cent was assessed against the railroads on their capital stock. Since 1901 a very small amount, varying from approximately one to three millions, has been assessed each year, almost entirely a result of the Teachers' Federation campaign.[33]

Professor Fairlie in his report to the tax commission of 1910 commented upon the injustice of the method of ap-

[33] *Supra*, p. 206 *et seq.*

portioning the assessment according to the length of main line in the counties. Complaint has been particularly bitter in Cook County where it is contended that the greater value of the property lying within the county entitles it to a larger share than it receives under the mileage system. It was suggested that the railroad taxes afforded a possible source of state revenue in case it should become desirable to separate the sources of state and local taxation.[34]

TELEGRAPH COMPANIES.

Telegraph companies organized under the laws of Illinois are taxable on their corporate excess. The law prescribes that statements shall be made annually to the auditor giving the necessary information for an assessment. The valuation placed upon the companies is apportioned among the counties much as in the case of railroads, the amount assigned to a particular county depending on the length of line operated in the county compared with the total in the state.[35] The tangible property of the companies is locally assessed.

In 1872 an attempt to assess the capital stock of the Western Union Telegraph Company, a foreign corporation, was blocked in the courts.[36] Occasionally an Illinois telegraph company is assessed a small amount on its capital stock.[37]

BANKS.

Little change has been made in the method of assessing banks since 1867.[38] State banks organized under general law were not made taxable under the corporate excess method; national banks could not be so taxed. State banks organized under special laws were assessed in this manner until 1893, when they were exempted. Theoretically, bank stock is taxed as personal property to the stock-

[34]Fairlie, *Report on Taxation*, pp. 75-76.

[35]*L.* 1871-72, pp. 16, 17, 29.

[36]Western Union Telegraph Co. *v.* Lieb *et al.*, *76 Ill. 172* (1874).

[37]*Aud. Rep.*, 1912, p. 364 *et seq.*

[38]*Supra*, p. 117.

holders, but the tax is in reality paid by the banks, a sufficient amount to meet all taxes being deducted from earnings before dividends are paid to stock holders.[39] In 1872 a change was made which withdrew the allowance formerly made in the assessment for real estate owned by the bank and assessed in the regular way.[40] This, of course, affected chiefly the state banks, institutions with national charters being forbidden to hold real estate as a form of investment. The practice of allowing deductions for real estate seems to have continued, however; but in 1903 when a case was carried to the supreme court, such deductions were declared illegal.[41] But the state legislature, then in session, reënacted the provision permitting them, the very provision against which the decision of the court had been directed.[42]

A feature of the law of 1872 was section thirty-five which exempted from taxation stock owned by citizens of Illinois in national banks located in other states.[43] This was the only way that double taxation could be avoided if other states collected at the source.

The blundering manner in which the tax legislation has been drawn is well illustrated by the changes in the provisions for taxing state banks organized under special charters. Such banks were for some reason made taxable on their corporate excess rather than on the shares of stock. In 1893 the legislature exempted them from taxation on their corporate excess but neglected until 1905 to make the proper changes in the other sections of the revenue law whereby they could be taxed on their shares. In the meantime these banks were taxed by neither method.

The undervaluation of shares of bank stock has kept pace with the undervaluation of other property if the

[39] *L.* 1871-72, pp. 12, 13.

[40] *Ibid.*, p. 12.

[41] Illinois National Bank *v.* Kinsella, *201 Ill. 31* (1903).

[42] *L.* 1903, p. 294.

The Illinois Tax Reform Association charges graft in connection with the passage of this measure. See *Bulletin 32.*

[43] *L.* 1871-72, p. 12.

evidence of the *Report of the Bureau of Labor Statistics* is to be given weight. Interesting statistics, which are probably more trustworthy, appear in the protest of the Illinois Tax Reform Association to the board of review of Cook County in 1910. Here it is claimed that the capital stock of thirty-nine Chicago banks was assessed in 1909 on but forty per cent of a fair legal assessment.[44] It is also contended that the larger banks escape with a lighter assessment than the smaller ones. Statistics are presented which show that the stock of four of the largest banks was assessed at figures varying from twenty-four per cent to thirty-five per cent of a legal assessment value, while the stock of four of the smaller banks was taxed at practically one hundred per cent.[45]

INSURANCE COMPANIES.

It has been noted[46] that domestic insurance companies are assessed by the local officials on their property in general and by the state board of equalization on their corporate excess. The origin of the tax on the receipts of foreign insurance companies has also been treated.[47] The acts under which foreign insurance companies have been taxed all through the period under discussion and are still taxed were passed in 1869. Foreign fire, marine, and inland navigation insurance companies are by this legislation made taxable on their net receipts at the regular general property tax rates.[48] Net receipts have been defined not as net profits, but as gross receipts less operating

[44] *Bull. 32, Ill. Tax Ref. Ass.*, p. 1. The statistical methods used in this document are not always above reproach, as for example the manner in which general averages are calculated on page 4. But nevertheless the statements seem to be substantially correct.

[45] *Ibid.*, p. 4. For the assessment of the personal property of bankers *cf. supra*, pp. 153 *et seq.*

[46] *Supra*, pp. 128, 202.

[47] *Supra*, pp. 117-118.

[48] *L.* 1869, p. 209; *L.* 1879, p. 179. The former law had taxed gross receipts.

expenses only. Fire losses are not deducted.[49] In addition to this tax on their net receipts, foreign fire insurance companies are taxable on their gross receipts up to two per cent by the local communities for the support of fire departments.[50] Such a tax is open to criticism from the point of view of justice. It amounts to a special charge upon the careful man who insures his property to protect from loss the careless man who carries no insurance.

Foreign life insurance companies were released in 1869 from the tax on receipts and were made subject to a reciprocal tax, a charge which depends for its amount upon the attitude in matters of taxation assumed toward Illinois by other states.[51] Foreign casualty companies were brought under a reciprocal arrangement somewhat later.[52] Aside from a few fees, the statute places no set charge upon these companies but prescribes that the auditor shall ascertain the taxes imposed by the home state of each insurance company upon Illinois insurance companies doing business in that state. The amount charged against the companies by the Illinois auditor is determined by what is charged by the home state against similar Illinois corporations. The receipts from the various taxes and fees

[49]Moore, *op cit.*, p. 84; Republic Fire Insurance Co. *v.* Pollack, *et al.*, *75 Ill. 292* (1874).

[50]*L.* 1869, p. 228; *L.* 1871-72, p. 245; *L.* 1903, p. 221; *L.* 1895, p. 104; *L.* 1909, p. 126. An act passed in 1877 specified that one-fourth of the receipts from this tax should go to the fund for the relief of disabled policemen and firemen. *L.* 1877, p. 62. The fraction was raised to one-half in cities over 10,000 in 1883. *L.* 1883, p. 59. One-fourth of these receipts were go to the pension fund in such cities by a law passed in 1901 (*L.* 1901, p. 97) and one-half by a law of 1905. *L.* 1905, p. 100. In 1899 the state superintendent of insurance was authorized to levy a two per cent tax on the gross receipts minus the taxes levied by the local authorities for the support of a fire department. *L.* 1899, pp. 265, 235. This act was soon declared unconstitutional. Raymond *v.* Hartford Insurance Co., *196 Ill. 329* (1902). Finally by an act passed in 1909, all fire insurance companies were made subject to an additional tax on their gross receipts, the rate not to exceed one-fourth of one per cent, for the support of the office of state fire marshal. *L.* 1909, p. 270.

[51]*L.* 1869, pp. 227, 228.

[52]*L.* 1889, p. 168; *L.* 1899, p. 237.

levied upon insurance companies have grown to considerable proportions in late years. In 1895 the total receipts from this source were but $177,503.73. By 1900 they had grown to $344,967.75. The receipts in late years have shown still greater increases, $1,178,695.41 being the amount for the biennium ending November 1, 1912.[53]

In addition to the sources of revenue enumerated above, the state receives considerable sums from fees and from the inheritance tax. For the biennium ending November 1, 1912, the sum of $2,690,787.29 was received into the state treasury from fees collected by the various state departments.[54] This comprised about twelve per cent of the total receipts into the Revenue Fund for this period.[55] The tax on inheritances has been imposed since 1895; the law was revised and the rates increased in 1909. The biennial receipts during this period have varied from $39,179.98 (1896-98) to $3,687,029.97 (1910-12). The yield for the biennium ending November 1, 1912, is decidedly unusual; in no other biennium does the return reach one half so large a figure. The inheritance tax at this time supplied about one-sixth of the income of the Revenue Fund. The Illinois Central payments have already been noted.[56] These are at present the only richly productive sources of state revenue aside from the general property tax.

[53] *Reports of the Insurance Superintendent; Auditors' Report,* 1912, p. 1, and Fairlie, *Report on Taxation,* p. 111.

[54] This sum includes the sum received from the insurance department.

[55] *Aud. Rept.,* 1912, p. 1; *cf.* Moore, *op. cit.,* ch. 5.

[56] *Supra,* pp. 108 *et seq.,* 209.

CHAPTER XII

Summary and Conclusion

From the preceding survey it is difficult indeed to avoid the conclusion that the general property tax in Illinois is a very unsatisfactory piece of fiscal machinery. It is unequal in its application, unjust in its incidence, and inefficient in its administration. Indeed a complete list of its defects would include infractions of almost every commandment in the fiscal decalogue.

Early Success.

To give to the system the modicum of praise due it is a simple task. An examination of the history of the tax through the century and a quarter of its existence makes it evident that its chief claim for glory rests upon the fact that for the first two-thirds of that period, until about 1860, it was on the whole fairly successful. There were complaints, of course, but a tax has yet to be devised which can be applied without pain. "It is impossible to make omelet without breaking eggs." Undervaluation and inequality were present, it is true, but not to an extent which fatally impaired the efficiency of the system. The state owes the general property tax a debt of gratitude for its assistance during these trying years of debt payment. During the early forties the tax system seemed unable to bear the strain put upon it; but no system of taxation could have borne so great a burden. There was available no basis upon which to levy the heavy taxes demanded by the fiscal necessities of the state.

The causes for the comparative success of the system before 1860 are to be found in the conditions present at that time—conditions which have now largely disappeared. In the first place, the general property tax was satisfactory when property in general was tangible and

undifferentiated, and when it formed an acceptable criterion of faculty, or ability to pay. So much property is now intangible and unreachable by the property tax that the problem is entirely changed. Few would have the temerity to maintain that present-day tax returns in Illinois form an acceptable criterion of ability to pay. In the second place, the rates during a large part of the early period were trifling compared with the present-day rates. Much property that could be reached when rates were low can not be reached when rates have become high. So it appears that the strength of the general property tax lies in its past, and that its success depends upon conditions which have long since passed away.

Present Defects.

From the number of times the defects in the general property tax have been pointed out, it would seem superfluous to recount them here. But there can be no reform before the faults of the system are thoroughly appreciated; and the fact that they have not been fully recognized and appreciated in the past furnishes the only excuse for the lack of action thus far toward remedying the situation. The counts of the indictment are these:—

There is gross undervaluation.[1] In the examination of the entire period it is not possible to find a time when the assessment closely approached the real values. This is, of course, not a vital defect in itself. If a horse is listed at twenty dollars instead of one hundred, and all other horses are listed according to the same scale of depreciation, the rate will be five instead of one per cent and the farmer pays a dollar in taxes for his horse just the same. But the defects which undervaluation drags in its train are much more important—*viz.* lack of uniformity and universality.

There is great lack of uniformity. When one assessor values a hundred dollar horse at twenty dollars, another may value an equally valuable animal at ten dollars. The

[1] *Supra*, pp. 81-82, 83, 99-100, 112, 124, 133-134, 144, 167, 204, 215.

scale of undervaluation varies widely from individual to individual, and from county to county, so that uniformity is completely ignored in the practical working out of the system.[2]

There is also great lack of universality. Of course a man who is taxed on a lower scale of valuation than his neighbor is in a sense open to the charge of having evaded a part of the tax. Thus uniformity is implied in universality. But what is meant primarily when the term universality is used, is the degree of completeness of the assessment. Is all property in the state taxed, or does some escape? Evidence is presented in the foregoing chapters[3] which proves beyond a doubt that property in Illinois escapes taxation to an extent nothing short of startling. Real estate of course does not evade the assessment, but all kinds of personal property do to a considerable extent and intangible personal property to an alarming degree.

The administrative organization is defective. The wretched work of certain parts of the administration is a matter of common knowledge.[4] Perhaps the most inefficient part of the whole organization is the state board of equalization. There is no valid excuse for the further continuance of this body. There are many administrative irregularities, such as the widespread, illegal extension of rates which could be eliminated by a small expert tax commission. The revenue law itself is unnecessarily complicated and obscure and is consequently difficult to administer. There is considerable complaint about the system of township assessors and about the lack of promptness in paying over collections to the proper state officials.[5]

The Necessity of Reform.

Such conditions cry aloud for amelioration, but complaints have been raised so long and so continuously that the legislators have come to consider them normal and

[2]*Supra,* pp. 144, 169, 214.
[3]*Supra,* pp. 144, 205.
[4]*Supra,* pp. 132-133, 171, 174, 177.
[5]*Supra,* pp. 171, 179.

necessary. For forty years the General Assembly has been almost impervious to suggestion. Very extraordinary measures will probably be necessary to bring reform. In the late seventies there was a movement for tax reform whose net result was a joint resolution of the legislature. The revenue commission of 1886[6] made an able report and drafted a new revenue law with many admirable features. But none of their recommendations was adopted. The attacks of the Bureau of Labor Statistics in 1894 and 1896[7] deserved better results than the superficial and makeshift legislation of 1898. Finally, the moderate and well-considered recommendations of the commission of 1910[8] were utterly disregarded by the legislature which had requested and paid for them.

To one who views the problem from a distance there is an element of the pathetic as well as of the ludicrous in the situation. The ludicrous element is found in the attitude of the legislature in ignoring the recommendations of experts appointed to advise them and in persistently shutting their eyes to the lessons which the history of their own state and of other states and countries would teach them. The pathetic element is that the energies of the state are crippled by an antiquated and unfair financial system.

The state has reached an interesting stage in the evolution of her system of taxation. Changes of a more or less radical nature will soon be made, if the experience of other states may be taken as an indication of what is to be expected in Illinois. What has been the history of the system elsewhere? Professor Seligman, after a wide survey of the history of the general property tax in many lands, has generalized somewhat as follows: The system found its beginnings when economic conditions were primitive and when the needs of the state for revenue were such as to demand only a light tax rate. The tax usually took the form of a charge levied upon enumerated arti-

[6] *Supra*, pp. 157, 169, 171, 178, 190.

[7] *Supra*, pp. 169, 170, 214.

[8] *Supra*, pp. 170, 171, 174, 178-179, 193, 209, 211.

cles—a tax on *things* rather than a tax on *persons*. With the progress of the community, the amount and variety of its wealth multiplied; more and more articles were added to the assessment list until at length it became more simple to make the tax a personal one—to tax everyone according to the value of all the property he owned individually rather than to tax the specific articles themselves. But soon it became evident that intangible personal property played a very insignificant rôle in the individual's estimate of the value of his taxable property; the importance of this class of property annually became smaller until the attempt to reach it for taxation became a mere farce. Then the law was so changed as to acknowledge frankly what was already known to be true, that certain kinds of personal property were not assessable under the general property tax system. What was left as the tax base, after this change was made in the code, was merely real estate; real estate usually included houses but even these were gradually eliminated from the assessment lists, leaving only the land. So, at the end of the series, there is again an impersonal tax levied on a specific article. The tax paying ability represented by property other than real estate must be reached by other methods than the general property tax. Changes in the system usually come in response to changes in fundamental economic conditions. The escape of personal property from taxation is not a serious problem in the primitive stages of economic development; there is not enough of that kind of property to matter. But later when economic conditions have changed, that element in the total wealth of the community has increased both absolutely and proportionally. At the same time the temptation to evasion has become stronger; for at this stage in the process, the need for more revenue usually makes itself felt and the higher tax rate has a tendency to frighten away intangible property.

The earlier stages in the life history of the system are clearly discernible in the history of taxation in Illinois. In the early years of the nineteenth century, the cycle

opened with a tax on a number of specific articles. From the beginning, the tax code was a reflex of the economic conditions; there were at first but few kinds of property and the simplest way to levy the tax was to enumerate the items on which the tax was to be made. Gradually more and more kinds of property were added until at length the tax changed its character. It is now a personal tax; everyone is taxed, theoretically at least, on all he possesses, not even his household property being exempted. Desperate attempts have been made to prevent evasion, attempts which have excited the curious amusement of tax experts everywhere. But in spite of every effort, personal property taxation in Illinois furnishes one of the best examples extant to-day of how complete can be the failure of the general property tax.

During the first thirty years of the history of the state, frontier conditions prevailed, the property was homogeneous, the demands of the government were not large, and it was found that a crude and primitive form of the general property tax sufficed to meet the needs. During the next few decades the necessity arose for securing a large revenue; but by wise alterations the code was revamped so as to meet, fairly successfully, the new conditions. This was only possible, however, because the property, to a large extent, was still tangible, undifferentiated, and homogeneous. It is only in the last forty years in Illinois that the system has broken down badly. Under the stress of constantly increasing demands for revenue and of constantly increasing difficulty in discovering and assessing personal property, the situation has grown progressively worse and in some quarters at least has become almost intolerable. The canons of universality and uniformity, so carefully provided for in the state constitution and in the theory of the code, are so flagrantly violated in actual practice that some change is imperative.

It is not very easy to explain why a state which is so far before its neighbors in general economic development should in tax matters be so far behind almost all of them.

Among the reasons for this backwardness, the first place should be given to inertia. The legislature has shown a persistent reluctance to deal with the problem. It was something to be postponed indefinitely, to be buried in committees or to be further investigated by commissions, but not to be taken seriously. Because of its technical nature the subject lends itself readily to treatment of this sort. The people at large have not been vitally interested because the attention of many of the most able and influential men has been thus far almost exclusively occupied with other things, problems of production, for the most part. The enormous economic development of the state has operated to obscure the importance of the injustices of the tax system. But the exploitation period is now well advanced in Illinois and this cause of retardation will become constantly weaker. But there should also be mentioned a more sinister cause, one which is spoken of only occasionally in a radical paper or pamphlet of a radical society, and then with bated breath. It is suggested that the corporations of the state are quite well satisfied with the present state of affairs. And well they may be.[9]

The conflict in the interests of the various sections of the state also serves to obstruct tax reform. Illinois is a curious mixture of the primitive and the modern. Always rich agriculturally, it has of late years developed enormous commercial and industrial wealth. In the sections of the state where this newer development has taken place, tax reform has been the logical step for many years past; it is recognized that the degenerate form of the general property tax is no fair test of the ability of the merchant, the manufacturer, and the mine operator to contribute to the expenses of the government. In the agricultural part of the state, on the other hand, the general property tax has been in the past more satisfactory. Even here, there are great undervaluations, evasions and inequalities, but comparatively speaking the tax has not been so obviously a failure. To the local officials who administer the law in

[9] *Supra*, p. 203 *et seq.*

the rural districts, the assessment list is a fine joke-book; but the situation has not been so bad as to be particularly offensive to the passerby. The crying evils come largely from the different economic constitution of the various parts of the state. The sections are not at all alike, and they demand somewhat varied treatment in matters of taxation. But all concerned seem to be afraid of the whole question. The business interests dread any change, for it is likely to mean an attempt to get nearer to their true taxable capacity than is done at present, and they feel that almost any change would be the worse for them. On the other hand, the agriculturists lift their hands in horror at the thought of allowing various classes of property to be assessed differently or taxed at different rates. They still worship the *Lares* and *Penates* of their fathers; all property must be taxed according to its value. Exempt mortgages and credits? The very suggestion is alarming to them. It is a trick of the lawyers for the city interests to make even heavier the load of taxation for the farmer. But they forget entirely that at present practically no mortgages and credits are actually reached in the cities. They forget also that the proposed constitutional change would make it possible to shift some of the heavy burden from real estate to the young and sturdy shoulders of commerce and manufactures which have developed and grown strong since the present tax system was formed.

Suggested Reforms.

It is clear that something should be done. Tax reform of some sort must come and come quickly if the state is to avoid disastrous consequences. There is no escape from this conclusion. To discuss what form the legislation should take is not strictly within the province of this study. It is believed, however, that it has been sufficiently demonstrated that the general direction of the reform should be away from the present system. Real estate will, of course, under any system remain the most important part of the tax base, whether the state shares in the return

from the land tax or not. But the history of taxation shows that any attempt to rehabilitate the general property tax as a whole is destined to almost certain failure. No method devised by man can enforce the general property tax without a different moral sentiment among the people than that which now exists. It is possible that, if such a moral sentiment could be created among the tax payers, the introduction of a radical administrative reform would result in the listing of property in general for taxation. But granted that these impossible conditions could be met, it is extremely doubtful whether it would be advisable to bring them about. For property under the complicated conditions which exist to-day is coming to be less and less trustworthy as an index of faculty or ability-to-pay and income is becoming more and more satisfactory. Experience elsewhere has revealed better methods of reaching ability-to-pay. Even if attainable, the ideal of the general property tax would to-day not be worth reaching.

It may serve a useful purpose to enumerate some of the measures which have recommended themselves to students of the problem as desirable steps toward a better taxing system. They may be arranged in the form of a series of gradations, each step depending upon the degree of conservatism of the reformer in question.

(1). Even the "standpatter" could scarcely object to a proposal to codify and simplify the present revenue code. Even if no changes were made, the codification would doubtless result in an increased efficiency in public administration in general, an end well worth striving for.

(2). The proposal for a permanent tax commission should arouse no considerable opposition, other than that of the politicians who would resent the replacement of the state board of equalization and of the corporations which might expect less liberal treatment under some new arrangement. But unfortunately this type of opposition has a faculty of making itself very effective. Such a commission could be used to great advantage even if the pres-

ent system of the general property tax were retained unmodified to any considerable extent, or could readily be adapted to the needs of any more fundamental reforms which it might seem well to adopt. The plan of a small expert body has everywhere proved more satisfactory for this particular bit of administrative work than a large, elective body such as the state board of equalization.

(3). Little can be done in the way of more thoroughgoing reform until the hands of the legislature are freed from the constitutional restrictions. The constitution now stipulates the general property tax. But the legislature has thus far shown no great desire for freedom of action in tax matters. There is slight excuse for denying the people permission to express themselves upon the question of the advisability of giving the legislature authority to devise some new system. Distrust of the legislature may make it seem desirable to incorporate the tax system into the organic law of the state. If so, the sooner a constitutional convention is called, or amendments providing for specific reforms are submitted, the better it will be for the fiscal health of the community. In the second case the legislators will merely be relieved of the responsibility from which some of them seem to shrink. On the whole, because of the complicated nature of the problem, it would seem the wisest plan first to create a trustworthy expert commission, and second to liberate the legislature so that it could adopt its recommendations.

(4). A reform which has proceeded far enough in other states to outgrow the stigma which attaches itself to any new proposal is the separation of the sources of state and local revenue. As has been seen,[10] this plan is far from novel in Illinois. During the early years of the state's history an upside-down system of segregation was actually in force in the state, the proceeds from land taxes going to the state and from personal property taxes going to the localities. The revenue commission of 1886 was the first official commission in the history of the country to recommend segregation as an antidote for undervaluation

[10] *Supra*, pp. 44, 178.

and the resulting inequality. If the state were to resign the mass of real and personal property to the localities for taxation and depend for its revenue upon various "indirect" taxes to be developed, the incentive for undervaluation would be in part removed. It would then be possible for a single locality, if so minded, to proceed to the work of assessment reform unhampered by a prospect of increased state taxes imposed as a penalty for its progressiveness. The beneficial results achieved in New York City should be a strong argument to Chicago in favor of the adoption of such a system. There, real estate valuations have risen to a very close approximation of cash values. By a system of tax maps and unit values, inequality is practically eliminated. There can be no doubt of the good effect of such a measure upon real estate taxation. But before such a scheme could be adopted in Illinois a constitutional amendment would be necessary.

(5). If the state were to resign the general property tax to the localities, the question of the justice of the tax would still remain unsettled. Separation of sources holds great promise for better real estate assessments and perhaps some promise for the assessment of tangible personalty. But it offers little encouragement to the seeker for a means of taxing intangible personal property. But most of this property is not reached under the present system.[11] There are those who would abandon the tax on both tangible and intangible personal property. Substitutes which would certainly be more satisfactory than the present system are not lacking. For the tax on mortgages and corporate securities a recording and registry tax might be supplied. No one can deny the superior justice of a light recording tax on all mortgages over a heavy general property tax on the unhappy few who happen to fall into the assessors' net under the present system. A series of business taxes might well repace the present levy on stock in trade. Unproductive tangible personalty, such as house furnishings etc., and much of the tangible personalty

[11] *Supra*, p. 146 *et seq.*

of the farmers might be exempted without serious consequences.

(6). The policy toward the taxation of corporations would depend so largely upon the disposition made of the foregoing suggestions that it seems idle to discuss it in detail here. It may be well to point out, however, that for the base of the tax upon such corporations as form the bulk of those now assessed by the state board of equalization, the best opinion seems to prefer net income rather than stocks, bonds, or corporate excess. Any advance at all in corporation taxation almost inevitably presupposes the expert assistance of a commission.

Any changes should be made gradually, of course. Many persons do not appreciate the extent to which taxes are capitalized;—to what fine degrees the various inequalities, evasions, and discriminations are reflected in the values of the various kinds of property. In a sense things as they are have a certain right to be simply because they do exist in their present condition. Much property is bought and sold whose value would be entirely different if the tax laws of the state had been and were being enforced in a strict and efficient manner; and often both parties to the transaction buy and sell in entire ignorance of the fact that the values in which they deal are dependent upon the degree of badness with which a law is enforced. Sudden and unheralded changes in the tax code have the possibility of causing much injustice and suffering through their very suddenness, even though the changes, in themselves, be thoroughly desirable. But this is no reason why bad conditions should always be bad. For them to remain so suggests cowardice in grappling with the problem. Many people are coming to believe that it is high time that changes should be initiated and a start made toward a more equable and more efficient revenue code for Illinois. But until the people as a whole reach a state of mind where they can think of their tax problem without being incapacitated for action both by fevers of conscience and chills of apprehension, no reformation can be expected.

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The Scandinavian Element in the United States

BY

KENDRIC CHARLES BABCOCK, Ph. D.

Dean of the College of Liberal Arts and Sciences in the University of Illinois
Sometime Fellow in the University of Minnesota and in Harvard University

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TO

HARRY PRATT JUDSON, KNUTE NELSON,

NICOLAY A. GREVSTAD, AND ALBERT BUSHNELL HART

IN GRATEFUL RECOGNITION OF

UNFAILING ASSISTANCE, ENCOURAGEMENT,

AND FAITHFUL CRITICISM

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CHAPTER I.

Introduction.

The history of the United States, according to newer views which have largely supplanted, or progressed beyond, those of the New England school of great historians, is the history of the march of a civilization, chiefly English, across the vast North American continent, within the short period of three hundred years. It is the story of the transformation of a wide-stretching wilderness—of an ever-advancing frontier—into great cities, diversified industries, varying social interests, and an intensely complex life. Wave upon wave of races of mankind has flowed over the developing and enlarging West, and each has left its impress on that area. Across the trail of the Indian and the trapper, the highway of the pioneer on his westward journey, have spread the tilled fields of the farmer, or along it has run the railroad. The farm has become a town-site and then a manufacturing city; the trading post at St. Paul and the village by the Falls of St. Anthony have expanded into the Twin Cities of the Northwest; the marshy prairie by the side of Lake Michigan, where the Indians fought around old Fort Dearborn, has come to be one of the world's mighty centers of urban population—and all this transformation within the memory of men now living.

The progress of this rapid, titanic evolution of an empire was greatly accelerated by the desires, the strength, and the energy of multitudes of immigrants from Europe; and in at least six great commonwealths of the Northwest the Swedes, Norwegians, and Danes have been among the chief contributors to State-building. During the eighty years ending in June, 1906, among the 24,000,000 immigrants who came to the United States, the Scandinavians

numbered more than 1,700,000. Whether viewed as emigrations on the eastern shores of the Atlantic, or as immigrations on the western shores, these modern *Völkerwanderungen* constitute one of the wonders of the social world, in comparison with which most of the other migrations in history are numerically insignificant. The Israelites marching out of Egypt were but a mass of released bondmen; the invasions of the Goths, Vandals, and Huns were conquering expeditions, full of boisterous, thoughtless, unforecasting energy. Even the immigration from Europe to America in the whole of the seventeenth century scarcely equalled in number the columns which moved westward in any one year from 1880 to 1890.

In this flux of humanity, mobile almost to fluidity, various in promise of utility, shifting in proportions of the good and bad, of pauper, refugee, and fanatic, or "bird of passage", sweatshop man, and home-builder, there has been such an interplay of subtle and vast forces that no just and final appreciation can as yet be reached. But some sort of tentative conclusions may be arrived at by intensive study of each immigrant group, following it through years and generations, searching for its ramifications in the body politic and social.

The student of this phase of American history must attempt the scientific method, and exercise the patience, of the student of physical nature. No geologist, for example, would think for a moment of generalizing as to the history and the future of a continent of complicated structure after a few examinations here and there of cross-sections of its strata. He must know from thoro-going observation the trend, thickness, and composition of each stratum; he must trace, if possible, the sources of the material which he finds metamorphosed; he must be familiar with the physical and the chemical forces at work in and on this material,—heat, pressure, movement, affinities, gases, water, wind, and sun. In like manner, the student of immigration as a whole, or of a section as large as that of the Scandinavians or Italians, must make careful discriminations as to pre-

vious conditions and influences, and also must notice carefully the differentiation of peoples, places, and times.

Too much stress, however, should never be laid on the character of any one group of immigrants, lest it warp the judgment upon the immigration movement as a factor in American progress. The ardent political reformer in New York City, seeing the political activity of the Irish, and the easy, fraudulent enfranchisement of newly-arrived aliens, cries in a loud voice for restriction or prohibition of immigration. The California labor agitator, feeling chiefly the effect of Chinese efficiency in the labor market, would close the gates of the country to all the eastern nations. The social worker, knowing mainly and best the degradation of the Hungarians in the mines, or of the Hebrews in the sweatshops, prophesies naught but evil from foreign immigration. From an opposite point of view, when a man travels in leisurely fashion up and down Wisconsin, Illinois, Minnesota, and the Dakotas, and finds a dozen race elements—English, German, Norwegian, or Russian—he begins to understand the real benefit to the nation of the coming of this vast, varied, peaceful army.[1] The scale of immigrants runs from the pauper or the diseased alien, awaiting deportation on Ellis Island in New York Harbor, to the rich Norwegian or German owning a thousand-acre farm in North Dakota, and to the millionaire Swedish lumberman or manufacturer of Wisconsin or Minnesota.

For more than half a century, the United States has been almost a nation of immigrants, a mixture of races in the process of combination; upon the exact nature of this combination, whether it take the form of absorption, amalgamation, fusion, or assimilation, depends future political and social progress.

The writer has for years felt a profound conviction of the vital importance of this whole problem of the alien, and a corresponding belief in the value of the investigation of each cohort in the national forces. Hence this attempt at a sympathetic study of the Scandinavian element in Ameri-

[1] Whelpley, *The Problem of the Immigrant*, 1.

can life and of its contributions to the evolution of the Northern Mississippi Valley during the last sixty years.

In such a study, the Norwegians, Swedes, and Danes, like all other citizens of foreign birth, must be judged by the character and preparation which best fit men to contribute to the permanent progress of a self-governing people. What are the signs of readiness for full Americanization? The fundamentals are manliness—Roman virility—, intelligence, and the capacity for co-operation, ennobled by "dignified self-respect, self-control, and that self-assertion and jealousy of encroachment which marks those who know their rights and dare maintain them";[2] devotion to law, order, and justice; and a ready acquiescence in the will of the majority duly expressed.[3]

Such qualities in America have been the especial possession of that sub-race of the Caucasian stock which the later ethnologists call the Baltic, in contradistinction to the co-ordinate sub-races, the Alpine, and the Mediterranean or Ligurian. This Baltic race has for centuries occupied the British Isles, the northern plains of Germany, and the North European peninsulas, being found in its purest state in Norway, Sweden, and Scotland. The people of this sub-race, asserts the writer of an admirable article on racial characteristics, are mentally "enterprising and persevering, and cheerfully dedicate most of their time and thought to work. . . . They are liberally gifted with those moral instincts which are highly favorable to the creation and growth of communities, altho not always so favorable to the individual who possesses them; they are altruistic, fearless, honest, sincere. They love order and cleanliness, and attach considerable importance to the dress and personal appearance of individuals."[4] While the other Caucasian sub-races do not lack these qualities, their most dominating characteristics are different; for example, one may

[2]J. R. Commons, "Racial Composition of the American People," *Chautauquan,* XXXVIII, 35.

[3]R. Mayo-Smith, *Emigration and Immigration.*

[4]G. Michaud, "What shall we be?", *Century,* LXV, 685.

exemplify the artistic or the idealistic side of human nature.

As related to the progress of civilization in America, all immigrants fall into three classes: those who powerfully re-enforce the strength and virtue of the nation, those who supplement its defects with desirable elements, and those who lower its standards and retard its advancement. Hence, those immigrants will be presumably the most desirable to America who come from the regions where the purest Baltic stock now exists, that is, north of a line running east and west through Brussels, and especially in north-central Germany and the Scandinavian peninsula.

Measured by character and training, the Baltic race in America stands up well to the test, not only in the foreign-born alone, but in the second and third generation born on American soil. If generations of ignorance, mental inertia, social depression, political passivity, shiftlessness, and improvidence stretch behind the immigrant, if his religion be chiefly a superstition or strongly antagonistic to the principles of the Republic, and if he be physically inferior and long inured to the hardships of a low standard of living, just so far is he an undesirable addition to American population. But, on the other hand, if his homeland show a very low percentage of illiteracy; if his life has been saturated with the ideas of thrift and small economies; if he hold himself free from domination by priest, landlord, or king; and if his history be the story of a sturdy struggle for independence, he should be rated high and welcomed accordingly, for it is of such stuff that mighty nations are made.

The student of Scandinavian immigration in the nineteenth century is not left to conjecture in his endeavor to estimate the probable result of the injection into American society of this foreign-born element. Before the second generation of English and Dutch settlers in America in the seventeenth century had grown to manhood, the Swedes began a colony upon the Delaware River; and their descendants are still a distinguishable part of the popula-

tion of the lower Delaware valley. This beginning of Swedish immigration to America is particularly instructive because the settlements undertaken in the period of the Thirty Years War drew their recruits from the same classes of Swedish society as the movements of the nineteenth century, and developed under substantially similar conditions and along much the same lines.

The Swede of the seventeenth century and the Swede of the nineteenth century are essentially one in character, for two hundred years have wrought less change in him than in his cousins of Germany and England. The accounts of Stockholm, its people and its surroundings, written in the early seventeenth century, might serve, with very little modification, to describe the large features of the Sweden and the Swedes of today. Great progress has of course been made in two centuries, but in political wisdom, high moral courage, and benevolent purpose, Gustavus Adolphus and his advisers were distinctly in advance of the first two English Stuarts and their courts.

Perhaps no better illustration of this difference could be found than in the plans for the beginnings of the colonies on the James River and on the Delaware River. The scheme for a colony on the Delaware was originally outlined by the great Gustavus himself in 1624, but sterner duties took his energies; and after the fatal blow on the field of Lützen, it devolved on his daughter, Queen Christina, and her faithful minister, Oxenstjerna, to carry out his plan for establishing a colony which was to be "a blessing to the common man," a place for "a free people with wives," and not a mere commercial speculation or a haven for aristocratic adventurers and spendthrifts.[5]

The first company of immigrants arrived in 1638, and year by year additions were received. So early as the middle of the seventeenth century, Sweden had a touch of the "America fever," and when an expedition left Gothenburg in 1654 with 350 souls on board, about a hundred families

[5] *Argonautica Gustaviana*, 3, 16.

were left behind for want of room. Perhaps only the transfer of the colony, first to the Dutch and then to the English, prevented the Swedish immigration from attaining large proportions two and a half centuries ago. The Swedish flag floated over New Sweden notwithstanding the protests of both the Dutch and the English, until the conquest of the colony by Governor Stuyvesant in 1655, and then it disappeared from the map of America.

In spite of threats, subjugation, and isolation, the prosperity of the early colony continued, and by the end of the seventeenth century it numbered nearly a thousand. No injustice in dealing with the Indians provoked a massacre, for these protégés of the Swedish crown, before William Penn was born, carefully and systematically extinguished by purchase the Indian titles to all the land on which they settled. Their piety and loyalty built the church and fort side by side, and long after they became subjects of the king of Great Britain they continued to receive their ministers from the mother church in Sweden. In fact, pastors commissioned from Stockholm did not cease their ministrations until they came speaking in a tongue no longer known to the children of New Sweden.

This Swedish colony, planted thus in the midst of larger English settlements, continued for many generations to add its portion of good blood and good brains to a body of colonists in the New World, which too often needed sorely just these qualities. The Honorable Thomas F. Bayard, who lived long among their descendants, wrote in 1888: "I make bold to say that no better stock has been contributed (in proportion to its numbers) towards giving a solid basis to society under our republican forms, than these hardy, honest, industrious, law-abiding, God-fearing Swedish settlers on the banks of the Christiana in Delaware. While I have never heard of a very rich man among them, yet I have never heard of a pauper. I cannot recall the name of a statesman or a distinguished law-giver among them, nor of a rogue or a felon. As good citizens they

helped to form what Mr. Lincoln called the plain people of the country,—and I have lived among their descendants and know that their civic virtues have been transmitted."[6]

Their thrift and comfort and sobriety attracted the attention of Thomas Pascall, one of the Englishmen of Penn's first colony, who wrote in January, 1683: "They are generally very ingenious people, live well, they have lived here 40 years, and have lived much at ease having great plenty of all sorts of provisions, but they were but ordinarily cloathed; but since the English came they have gotten fine cloathes, and are going proud."[7] Penn himself declared: "They have fine children and almost every house full; rare to find one of them without three or four boys and as many girls; some six, seven and eight sons. And I must do them right—I see few young men more sober and industrious."[8]

[6]Mattson, *Souvenir of the 250th Anniversary of the First Swedish Settlement in America* (1888), 44.

[7]This letter, printed as a broadside in England about 1683, was furnished me by Mr. George Parker Winship of the Carter Brown Library of Providence, Rhode Island.

[8]Janney, *Life of William Penn*, 246-247.

CHAPTER II.

Swedes, Norwegians, and Danes

The common use of the term Scandinavian to describe Swedes, Norwegians, and Danes in a broad and general way, is one of the products of the commingling of these three peoples on the American side of the Atlantic. The word really fits even more loosely than does the word British to indicate the English, Welsh and Scotch. It was applied early in the history of the settlements in Wisconsin and Illinois, to groups which comprised both Norwegians and Danes on the one hand, or Norwegians and Swedes on the other hand, when no one of the three nationalities was strong enough to maintain itself separately, and when the members of one were inclined, in an outburst of latent pride of nationality, not to say conceit of assumed superiority, to resent being called by one of the other names; for example, when a Norwegian objected to being taken for a Swede. Thus the Scandinavian Synod of the Evangelical Lutheran Church, organized in 1860, included both Norwegians and Danes; ten years later the name was changed to the Norwegian-Danish Conference; and in 1884 the differentiation was carried further, and the Danes formed a new Danish Evangelical Lutheran Church Association, supplementing the Danish Evangelical Lutheran Church in America, which dated back to 1871.

Vigorous protests were made from time to time against the use of "Skandinavian" or "Skandinav." "Shall we Norwegians let the Danes persist in calling us Scandinavians?" wrote "Anti-Skandinavian" to the leading American Norwegian weekly of 1870.[1] He also quoted the sarcastic words of Ole Bull: "Scandinavia, gentlemen,—may I ask where that land lies? It is not found in my geo-

[1] *Fædrelandet og Emigranten*, May 12, 1870: "Skulle vi Norske lade de Danske fremture i at kalde os Skandinaver?"

graphy; does it lie perhaps in the moon?"[2] But the use and acceptability of the word steadily grew; the great daily paper in Chicago took the name *Skandinaven;* in 1889, the editor of *The North* declared: "The term has become a household word . . . universally understood in the sense in which we here use it (to designate the three nationalities)."[3]

Ole Bull was, of course, right in saying that there is no Scandinavian language, no Scandinavian nation; but the ordinary reader or student does not recognize clearly that Sweden, Norway and Denmark have different spoken languages (though the Danish and Norwegian printed language is one), different traditions, as well as different governments. Almost while these words are being written, the coronation ceremony in the ancient cathedral at Throndhjem completes the process by which Norway is severed entirely from Sweden and again assumes among the powers of earth that "separate and equal station to which the laws of Nature and of Nature's God entitle them."

The physique and characteristics of the three Scandinavian peoples have been profoundly affected by the physical features of the northern peninsulas; the mountains, fjords, and extensive coast lines of Norway, the level stretches, lakes, and regular coast of Sweden, and the low, sandy islands of Denmark find a counterpart in the varying types of men and women of those countries. The occupations which necessarily grew out of these differences of surface and soil tended to give to all a strong, sturdy, hardy body; farming naturally claims by far the largest percentage, though great numbers of the men yield to the call of the sea. Both Norway and Sweden have large lumbering interests, while Norway leads in fishing industries, Sweden in mining, and Denmark in dairying.

Nature is no spendthrift in any part of the Scandinavian peninsulas; small economies are the alphabet of her

[2]"Skandinavien, mine Herrer, tör jeg spörge, hvor det Land ligger? Det findes ikke i min Geografi; ligger det maaske i Maanen?" Ole Bull, *Fædrelandet og Emigranten*, May 12, 1870.

[3]*The North*, June 12, 1889.

teaching, and her lessons once learned are rarely forgotten. Her children of the North, therefore, down to the stolidest laborer, mountaineer, and fisherman, are generally industrious and frugal, and when they migrate to the American West, to enter upon the work of pioneering, with its stern requirements of endurance, patience, persistent endeavor, and thrift, they start out in the new life with decided temperamental advantages over most other immigrants, and even over most native-born Americans.

Other characteristics common to these three peoples distinguish them strikingly from the South European. From their Viking ancestors they have inherited a love for adventure, a courage in facing the possibilities of the future. Their hatred of slavery, and their clear, high ideas of personal and political freedom, are strongly marked, and their peasantry is ranked highest on the continent.[4] Their adaptability to changes of clime, of conditions, of circumstance, has been remarkably demonstrated over and over again, in Normandy in the 11th century, in Sicily in the 12th, and in America in the 19th; yet it has not degenerated into a facile yielding to moods and whims even under the rapid changes of New World society.

The typical Swede is aristocratic, fond of dignities, assertive: he is polite, vivacious, and bound to have a jolly time without troubling too much about the far future. Yet he is not afraid of hard work; he is persistent, ofttimes brilliant, and capable of great energy and endurance. He is notably fond of music, especially the singing of choruses and the opera, and the poetry of Bellman and the epics of Tegner belong to the great literature of the world.

The Norwegian is above all democratic. He is simple, serious, intense, severe even to bluntness, often radical and visionary, and with a tendency to disputatiousness.[5] There is an unmeasured quantity of passion and imagination in

[4]N. S. Shaler, "European Peasants as Immigrants," *Atlantic,* LXXI, 649.

[5]N. P. Haugen comments on the good and bad features of this tendency in his Norway Day speech at the World's Columbian Exposition. *Skandinaven,* May 24, 1893.

him, as there are unmeasured stores of power and beauty in the snows of his mountains and the waters of his coast. He has the capacity for high and strenuous endeavor, even verging on the turbulent, but he rarely has developed the qualities of a great leader. Like the Swede, the Norwegian is fond of music, but it is of a different sort. Both in his music and in his literature, the dramatic element is strong; no names in the realm of literature of the last generation stand higher than those of Ibsen and Björnson, who are first cosmopolitan and then Norwegian.

The Dane is the Southerner of the Scandinavians, but still a conservative. He is gay, but not to excess; the healthiness and jollity of a Copenhagen crowd are things to covet. He is pre-eminently a small farmer or trader, honest and persevering, ready and easy-going, and altho not given to great risks, he is quick to see a bargain and shrewd in making it. Of self-confidence and enterprise he manifests a decided lack.[6] His country is small, open on all sides, and near to great Powers; his interests, therefore, have led him out from his peninsula and islands, and foreign influences have more affected him than they have his neighbors across the Sound and the Skager Rack. His best work in literature and art has been done under strong Romantic and classic impulses from the South.

Such being the qualities of the peoples of Sweden, Denmark and Norway, the conditions of life and society in those countries in the first half of the nineteenth century seem on close examination quite unlikely to produce a great emigration, in comparison with conditions in other countries from which large numbers of men and women migrated to America. There were no great social, economic, or political upheavals sufficient to cause the exodus of any class; religious intolerance and persecution were, with few minor exceptions, neither active nor severe. The Napoleonic wars did not depopulate these northern lands, nor did they, like their sister nations to the south, suffer

[6]Borchner, *Danish Life in Town and Country*, 3-6; Bille, *History of the Danes in America*, 1, 7, 8.

seriously from the commercial restrictions of the Emperor of the French. Militarism did not crush them with its weight of lead and steel and its terrible waste of productive energy. Political oppression and proscription, so marked in the affairs of central and western European states down to 1850, were not features of the history of Norway, Sweden or Denmark. Though Norway protested in 1814 in no uncertain terms against the union with Sweden in a dual monarchy, she was, under the constitution of that year, one of the freest nations of Europe, " a free, individual, indivisible kingdom." In Sweden before 1840, one of the chief restrictions on the individual was potential rather than actual: a man who wished to leave the kingdom must have a passport from the king, for which he had to pay 300 kroner (about $81). He would also be under the close supervision of the state church, to which he was expected to belong.

There were, however, conditions in the home-lands as well as in America, which impelled immigration. Anyone who has travelled over the fertile prairies of the Mississippi valley and then through Norway or Sweden, will often wonder that so many people have been content to remain so long in the older Scandinavia. In Norway there were in 1910, in round numbers, 2,390,000 people on an area of 124,000 square miles.[7] Of this population, about 425,000 were gathered in the larger towns, and 250,000 were in the smaller towns, making a total urban population of 29%, over against 21% twenty years before. The remainder were scattered over the vast mountainous country or along the coast-line of three thousand miles.[8] Thousands of fishermen's huts are grappled barnacle-like to the rocks, while behind them along a trickling thread of water stretches a precious hand-breadth of soil. The greater part of the interior is one wide furrowed plateau, in whose hollows, by lakes and streams, thrifty farmers skilfully

[7] *Statesman's Year-Book, 1914,* 1141 ff.

[8] In 1880, 20% lived in towns; in 1890, 23.7% lived in towns, and 76.3% in the rural districts. *Norway* (English edition of the official volume prepared for the Paris Exhibition of 1900), 90.

utilize their few square yards of tillable land and pasture their cattle on the steep slopes. Save around Lake Mjösen, the Leir, Vos, and Throndhjem, there can scarcely be found in all Norway anything like a broad rich meadow. The farm products are almost literally mined from the rocks. "It is by dogged, persistent, indomitable toil and endurance, backed up in some cases by irrepressible daring, that the Norwegian peasant and fisher-folk—three-fourths of the population—carry on with any show of success their struggle against iron nature."[9] Yet in spite of such adverse conditions, these people have ever clung with passionate tenacity to their mountainous storm-beaten Norway, and by it have been made brave without bitterness, hardy without harshness, strong yet tender.

In Sweden the physical conditions are decidedly different. The area of 172,900 square miles supports a population of 5,600,000 (1912), of whom 50% dwell in cities of which there are now thirty with more than 10,000, Stockholm leading with 350,000. The urban population increased 166% between 1871 and 1912.[10] There are few lofty mountains and no jagged peaks, majestically dominating the outlook; the crag-set fjords are replaced by gentler bays and sounds sprinkled with beautiful islands; in some parts of the country, as in Wermland and Smaaland, are low and marshy sections, where, according to legend, the Lord forgot to separate the land and water. Agricultural conditions are less hard and means of communication are better than in Norway; closer relations exist between provinces and between parishes; information is more readily diffused, and gatherings of considerable size are held without particular difficulty.

Denmark more closely resembles Sweden than Norway, and is in still better touch with the larger world than either of the others. With an area of about 15,000 square miles,—Massachusetts, Rhode Island, and Connec-

[9]Wm. Archer, "Norway Today," *Fortnightly Rev.*, XLIV, 415.

[10]*Statesman's Year-Book, 1914*, 1316. The increase of urban population was five times the increase of the kingdom.

ticut, combined—it held in 1911 a population of 2,775,000. Copenhagen and its suburbs had a population of 560,000. The urban population was 26%. Unlike the other two, Denmark has several important colonies in other parts of the world.[11]

In all three countries, as in the rest of Europe, changes in commercial, industrial, social, legal, and religious matters were sure to be slow. The tenure and succession in lands, the limited market for labor, the relatively small opportunity for initiative, especially for the younger members of considerable families,—all of these conditions with the characteristics already described, lent added attractiveness to the call of the American West.

[11] *Statesman's Year-Book, 1914,* 789 ff.

CHAPTER III.

Early Norwegian Immigration.

"Arrived last evening" (October 9, 1825).

"Danish Sloop Restoration, Holland, 98 days from Norway, via Long Island Sound, with iron to Boorman and Johnson, 52 passengers."[1]

"The vessel is very small, measuring, as we understand, only about 360 Norwegian lasts, or 45 American tons, and brought 46 passengers, male and female, all bound for Ontario County, where an agent who came over sometime since, purchased a tract of land."[2]

These ordinary shipping notices in the newspapers of New York City, and several other similar paragraphs, are the first entries in the chronicles of the newer Scandinavian immigration to the United States. From the cessation of Swedish immigration in the seventeenth century down to 1825, no considerable companies made the long journey from the Northlands to America, tho adventurous fellows in twos and threes came now and then, men who misliked the humdrum life in the old parishes, with its narrow opportunity and outlook, men who found the sea the only highway to novelty and a possible fortune.[3] Now, at last, the coming of a company of some size, from Norway, adding one more to the lengthening list of nationalities which contributed to the complex population of the United States, attracted more than passing attention.[4]

[1]*The New York Evening Post,* Oct. 10, 1825.

[2]*The New York Daily Advertiser,* Oct. 12, 1825.

[3]Interview with Capt. O. C. Lange (who reached America in 1824) in Chicago, 1890; Norelius, *Svenskarnes Historia,* I.

[4]*Niles' Register,* XXIX., 115. Several extended quotations from newspapers in New York, Boston, and Baltimore, for the month of October, 1825, relating to this company of the sloop "Restoration", indicating the interest created by its coming, are printed in Anderson, *Norwegian Immigration,* 69-76.

That the sloop was not Danish, and that there is some discrepancy in the number of passengers—(and crew?)—and in the number of days in the voyage, are minor matters and easily accounted for; the New Yorker of 1825 could hardly be expected to distinguish clearly between Danes and Norwegians, when the people of the Northwest at the present time apply the name Swede indiscriminately to Swedes, Danes, Norwegians, Finns, and Icelanders. But back of the arrival of this little sloopful of Norwegians, is a story of motive, organization, and movement, more or less characteristic of Scandinavian immigration during the next two generations. The two main elements are: conditions in Norway and the United States, and the personal activities of one of the adventurous fellows already referred to.

In the region about Stavanger, in southwestern Norway, in 1825, there had been for some time a feeling of discontent with the religious conditions of the country, and a tendency to formal dissent from the established church. The direction of this tendency and the definition of the movement were vitally influenced by certain zealous and philanthropic Quaker missionaries from England. Stephen Grellet and William Allen, who visited Norway in 1818. Grellet was a French nobleman who sought refuge in the United States during the French Revolution, and there united himself with the Quakers or Friends. After residing in America for twelve years, he began making tours through Europe to propagate Quaker ideas, even obtaining an interview with the Pope, which he describes in his diary. The visit to Norway was in furtherance of his general plan. While his account of his stay in Norway does not make any mention of America, it is impossible to believe that no reference to America and to the conditions of the Friends in that part of the world, where he himself found refuge, crept into the conferences which he held around Stavanger, and that no seeds of desire to seek the New World were sown in the slow-moving minds of the Norwegian peasants whom he met.[5]

[5]Grellet, *Memoirs,* I, 321 ff.

As dissenters from the established church, these Quakers were continually subject to actual or threatened pains and penalties, in addition to those troubles which might arise from their refusal to take oaths and to render military service. Their children and those of other dissenters must be baptised and confirmed in the Lutheran Church; they must themselves attend its services and pay taxes for its support, or suffer fines or other punishment for failing so to do. Tho prosecutions, or persecutions, were really few before 1830, an episode now and then showed the dissenters what might be in store for them if they persisted, as when one of the Quakers was arrested in 1821 for burying his children in unconsecrated ground, and fined five specie dollars a day until he re-bury them in consecrated ground, and agree to follow the outward ceremonies and customs of the state church.[6] Two years before one of the Friends wrote: "There are no laws yet made in favor of Friends, so that those who stand firm in their principles act contrary to the laws of the country. Friends must be resigned to take the consequences."[7] With signs of persecution, with an increase of discontent, and with the leadership of a man possessed of first-hand knowledge about the United States, it is not surprising that emigration was decided upon.

Kleng Peerson, called also Kleng Pederson and Person Hesthammer, was a man of dubious character, who has been variously described. One has called him the "Father of the Newer Norwegian Immigration" and as such entitled to a chapter by himself; another has written him down as a tramp.[8] A softer characterization, however, makes of

[6]Richardson, *Rise and Progress of the Society of Friends in Norway*, 37.

[7]*Ibid.*, 23.

[8]R. B. Anderson, "En Liden Indledning" in the series of articles "Bidrag til vore Settlementers og Menigheders Historie," *Amerika*, April 4, 1894. Bothne, *Kort Udsigt over det Lutherske Kirkearbeide blandt Normændene i Amerika*, 822.

him a "Viking who was born some centuries after the Viking period."[9] He appears to have been a sort of Quaker, either from conscience or convenience. His leaving his home parish of Skjold near Stavanger, and his emigration to the United States in 1821 in company with another Norwegian, are attributed to motives ranging from a commission from the Quakers to find a refuge for them in America, to a desire to escape the rich old widow whom he married, and who was tired of supporting him in idleness.[10] Certain it is that upon his return to Norway in 1824, after three years of experience in the New World, the sentiment favoring emigration from Stavanger soon crystallized.

By midsummer of 1825 a company of fifty-two persons, mostly Quakers from the parish of Skjold, was ready to journey to America. They purchased a sloop and a small cargo of iron which would serve as ballast and which might bring them profit in New York, tho this was probably a secondary matter.[11] On the 4th of July, 1825, they set sail from Stavanger, and after a somewhat circuitous voyage of fourteen weeks, which was not very long, as such voyages went, they made their landing in New York, October 9th, numbering fifty-three instead of fifty-two, for a daughter was born to Lars Larson on shipboard.[12] This landing of the "Sloop Folk" of the "Restoration," whose story is a favorite and oft-told one with the older Norwegian immigrants, is occasionally likened to the Landing of the Pilgrim Fathers who fled to a wilderness to escape persecution and to seek social and religious freedom; but on close examination the comparison breaks down at almost every point,—motive, objective, method and result.[13]

[9]O. N. Nelson, "Bemerkning til Prof. Andersons Indledning", *Amerika,* May 2, 1894.

[10]Nelson, *History of the Scandinavians,* I, 134 B-C.

[11]Langeland, *Nordmændene i Amerika,* 11.

[12]C. A. Thingvold gives a list of the names of the "Sloop Folk," save four, which he obtained from one of the survivors, in "The First Norwegian Immigration to America," *The North,* Aug. 10, 1892.

[13]J. B. Wist, *Den Norske Invandring til 1850,* published about 1890, ventures to question seriously whether such a company ever came to the

In New York the captain and mate of the "Restoration" were arrested for having more passengers than the Federal law allowed—two passengers to each five tons of the vessel. Having an excess of twenty, the sloop was legally forfeited to the United States.[14] However, for some unknown reason, the offenders were released and allowed to dispose of their cargo. The original cost of ship and cargo appears to have been about $1950, but both were sold for $400. This inadequate sum was supplemented by the generosity of the Quakers of New York, whose contributions and assistance enabled the "Sloop Folk" to proceed inland to Western New York.

They took up land in Kendall and Orleans County on the shores of Lake Ontario, about thirty-five miles northeast of the new town of Rochester in which two of the families decided to remain. The price of the land was $5 per acre, and each man was to take about 40 acres; but as they were without cash, they agreed to pay for their farms in ten annual instalments. The reasons for selecting this region are not difficult to surmise, tho there is no direct proof of the motive. The country around Rochester was, in 1825, in the midst of a sort of Western "boom"; the Erie Canal was just finished, and the prospects of Rochester were very promising.[15] Its population grew quite marvelously; in September, 1822, it was 2700; in February, 1825, 4274; and in December of the same year, nearly 8,000.[16]

The first five years of the little colony were full of hardships and suffering. It was November of 1825 when they reached their destination; the country was all new and thinly settled; their own land was wild and could be cleared

United States! His reason is that the clearance records of Stavanger show no such name as the "Restauration," and American statistics give the total Scandinavian immigration as 35, of whom 14 are credited to Norway.

[14] *Statutes of the United States, 1819,* Act of March 2.

[15] "Rochester is celebrated all over the Union as presenting one of the most striking instances of rapid increase in size and population, of which the country affords an example." Capt. Basil Hall, *Travels in North America,* I, 153.

[16] *Ibid.,* I, 155.

only with difficulty; and nothing could be grown upon it before the following summer. Just one man among them, Lars Larson, understood any English. By united efforts several families built a log-house, where the winter was spent in a most crowded condition, worse even than the three months in the close quarters of the "Restoration". The only employment by which they could earn anything was threshing with a flail in the primitive fashion of the time, and the wages consisted of the eleventh bushel threshed. With these scanty earnings and the help of kindly neighbors, they passed the dismal winter in a strange land. "They often suffered great need, and wished themselves back in Norway, but they saw no possibility of reaching Norway without sacrificing the last mite of their property, and they would not return as beggars."[17] But at length time, patience, and their own strength and diligence gave them a foothold. The land was cleared and produced enough to support them. A five years' apprenticeship made them masters of the situation; and when at last they had the means to return to the parish of Skjold, the desire had gradually faded out. Instead of re-migration, they were persuading others to join them in the New World.

But the New Norway, or the New Scandinavia, was not to be located in the Middle Atlantic States, though a beginning was made in Delaware and in New York. Land was too dear around the older settlements even at $5 per acre; the promised land was shifted to northern Indiana and northern Illinois, where fine prairie tracts which needed no clearing could be had for $1.25 per acre and upwards. And into these newer regions went the settler and the land speculator, sometimes in one and the same person. Schemes for internal improvement sprouted on every side, and canal-building was much discussed as the best means of providing cheap transportation.[18] One of

[17]Langeland, *Nordmændene i Amerika*, 15.

[18]Ackerman, *Early Illinois Railroads* (No. 23, *Fergus Hist. Ser.*), 19, quoting an editorial form the *Sangamo Journal*, Oct. 31, 1835: "We rejoice to witness the spirit of internal improvement now manifesting itself in every part of Illinois."

these projects was for a canal from Lake Michigan to the Illinois River, for which a land grant was made in 1827. This canal would bring great prosperity to northern Illinois, it was argued, just as the Erie Canal had developed central and western New York; the price of land would go up, markets would be accessible, and speculator and farmer would reap rich rewards.

Nor was this argument based entirely on theory, for halfway to the East, in Indiana, this progressive realization was in full blast. Harriet Martineau travelled through this part of the West in 1836, and noted with the eye of an acute and experienced observer, the rapid rise in values of farms. She estimated that a settler, judiciously selecting his land in the Northwest, would find it doubled in a single year, and cites the case of a farmer near LaPorte, Indiana, whose 800 acres, costing him $1.25 per acre three years before, had become worth $40 per acre—probably not a unique example of prosperity.[19] With these visions before them, many men moved from western New York, and along the line of the proposed canal in Illinois grew up hamlets bearing the names familiar along the great Erie Canal,—Troy, Seneca, Utica, and Lockport.

Among those attracted thither, was Kleng Peerson, who again served, perhaps without deliberate planning, as a scout for his Quaker friends.[20] On his return to the Orleans County settlers, he convinced them that a better future would open to them in Illinois, and in the spring of 1834 some of the families moved into the West and began the so-called Fox River settlement in the town of Mission near Ottawa, La Salle County, Illinois. By 1836 nearly all the Norwegians of the New York colony had removed to the West, and several tracts of land were taken up in the towns of Mission, Miller, and Rutland. The sections located seem to have been unsurveyed at the time of the first settlement, for no purchases are recorded until 1835.[21]

[19]Martineau, *Society in America*, I, 247, 259, 336.

[20]"I have complete evidence that he visited La Salle County, Illinois, as early as 1833." Anderson, *Norwegian Immigration*, 172.

[21]*Ibid.*, 174, 176 ff.

Henceforth most of the immigration from Norway was turned toward the prairie country, and whole companies of prospective settlers after 1836 went directly to the Fox River nucleus, for the region thereabouts had the double advantage of being at once comparatively easy of access and in the most fertile and promising region in which government land could be had at the minimum price.

In its new location, the twice transplanted colony of "Sloop Folk" was reasonably prosperous from the start, tho the panic of 1837 made impossible any realization of Miss Martineau's roseate estimate of probable profits. No further move of the original immigrants was made, and the Fox River Valley is still occupied by the well-to-do descendants of the Norwegian settlers of the thirties.

As a preliminary to further immigration from the three countries of Northern Europe, a definite knowledge of America and its opportunities must be developed among the peasants, and a desire to remove themselves thither must be awakened and stimulated. To whole communities in Norway, made up of simple, circumscribed people, America about 1835 was an undiscovered country, or at best a far-off land from which no traveller had ever come, and from which no letters were received; the name itself, if known at all, was a recent addition to their vocabulary. Ole Nattestad, one of the early immigrants, who was decently educated for his time and more experienced in the world than the majority of his neighbors, relates how he first heard of America in 1836, when he was a man thirty years old.[22]

The leavening process went on but slowly from 1825 to 1836, for the story of the early experiences of the little company of dissenters, obscure persons from an obscure parish, if known at all, was not likely to inspire others to follow in large numbers. With increasing prosperity in the Rochester, and later in the Fox River, colony, the tone of letters sent back to friends in Norway took a new ring: America came to mean opportunity, and now there were

[22] *Billed Magazin*, I, 83.

men speaking the Norwegian tongue to whom newcomers might go for instruction, advice, and encouragement. Old settlers still bear witness to the great influence of these letters of the thirties telling of American experiences and of American conditions. Among the most influential of these semi-conscious propagandists of emigration was Gjert G. Hovland, who came to the Rochester settlement with his family in 1831, and bought fifty acres of land, which after four years of cultivation he sold at a profit of $500. Writing to a friend near Stavanger in 1835, he spoke in terms of high praise of American legislation, equality, and liberty, contrasting it with the extortion of the Norwegian official aristocracy. He counseled all who could to come to America, as the Creator had nowhere forbidden men to settle where they pleased.[23] Of this and other letters by Hovland, copies were made by the hundred and circulated in the Norwegian parishes, and many of the early immigrants have stated that they were induced to emigrate by reading these letters.[24] Another man whose words prompted to emigration, was Gudmund Sandsberg, who came to New York in 1829 with a family of four.[25]

These letters scattered through western Norway from 1830 to 1840, were as seed sown in good ground. Times were hard; money was scarce and its value fluctuating.[26] The crops were often short, the prices of grain were high, and the demand for the labor of the peasants was weak; the economic conditions of the lower classes, especially in the rural districts—much the greater part of the country—were growing worse rather than better.[27] Even the oldest

[23]Translated from Langeland, *Nordmændene i Amerika*, 16n. This writer summarizes a letter of which he saw a copy as a young man in Norway.

[24]*Ibid.;* Anderson, *Norwegian Immigration*, 147.

[25]Anderson, *Norwegian Immigration*, 133.

[26]*Billed Magazin*, I, 18-19. Of the year 1836, one writer asserts: "En Daler ei gjældt mere end to norske Skilling," and that many lost all their property.

[27]In Anderson, *Norwegian Immigration*, 133-135, is a translation of a letter written in Hellen in Norway, May 14, 1836: "If good reports

son, who was heir to his father's homestead, was likely to find himself possessed of a debt-burdened estate and with the necessity of providing for the mother and numerous younger children.[28] The younger sons, being still worse off, were forced to try their hands at various occupations to earn a bare living. Ole Nattestad, already mentioned, was by turns before his emigration farmer, peddler, blacksmith, and sheep-buyer.[29] To many a man with a large family of growing children the possibility of disaster in the United States was less forbidding than the probability of ultimate failure in Norway.

But not to occasional letters alone was the peasant,—and the emigration movement—to be left for information and inspiration. Young men who had prospered in the new life returned to the homesteads of their fathers and became, temporarily, missionaries of the new economic gospel, teaching leisurely but effectively by word of mouth and face to face, instead of by written lines at long range. One such man was Knud A. Slogvig, who returned to his home in Skjold in 1835 after ten years in America, not as an emigrant agent nor as a propagandist, but as a lover to marry his betrothed,—an early example which thousands of young Scandinavians in the years to come were to follow gladly.[30] Whatever may have been the results of his visit to Slogvig personally, they were of far-reaching importance to the emigration movement in western Norway. From near and from far, from Stavanger, from Bergen and vicinity, and from the region about Christiansand, people came during the long northern winter, to talk with this experienced and worldly-wise man

come from them (certain emigrants about to sail) the number of emigrants will doubtless be still larger next year. A pressing and general lack of money enters into every branch of business, stops, or at least hampers business, and makes it difficult for many people to earn the necessaries of life. While this is the case on this side of the Atlantic, there is hope of abundance on the other, and this, I take it, is the chief cause of this growing disposition to emigrate."

[28] *Billed Magazin*, I, 6 ff.

[29] *Ibid.*, I, 83.

[30] Anderson, *Norwegian Immigration*, 148.

about life in New York or in Illinois—or, in their own phrase, "i Amerika." There before them at last, was a man who had twice braved all the terrors of thousands of miles of sea and hundreds of miles of far-distant land, who had come straight and safe from that fabulous vast country, with its great broad valleys and prairies, with its strange white men, and stranger red men. The "America fever" contracted in conferences with Slogvig and men of his kind, was hard to shake off.[31]

The accounts of America given by this emigrant visitor were so satisfactory, that when he prepared to go back to the United States in 1836, a large party was ready to go with him. Instead of the fifty-two who slipped out of Stavanger, half-secretly in 1825, there were now about 160, for whose accommodation two brigs, *Norden* and *Den Norske Klippe,* were specially fitted out.[32] The increased size of this party was doubtless due in some measure to discontent with the religious conditions of the kingdom, but more to the activity of Björn Anderson Kvelve, who desired to escape the consequences of his sympathy with Quakerism, and of the marriage which he, the son of a peasant, had contracted with the daughter of an aristocratic, staunchly Lutheran army officer.[33] Being, as his son admits, "a born agitator and debater"—others have called him quarrelsome,—he persuaded several of his friends to join the party, and he soon became its leader.[34] The greater part of the two ship-loads, after arrival in New York, went directly to La Salle County, Illinois, a few stopping in or near Rochester. For several years after the arrival of this party, the immigrants from Norway

[31]Langeland, *Nordmændene i Amerika,* 18; *Billed Magazin,* I, 83. Langeland writes: "Tre af Nedskriverens Paarörende, som reiste fra Bergen i 1837, var blandt dem, som i Vinteren 1836 besögte ham, og kom hjem fulde af Amerikafeber."

[32]Langeland, *Nordmændene i Amerika,* 18; *Billed Magazin,* I, 83, 150 (Nattestad's account).

[33]Anderson, *Norwegian Immigration,* 157 ff; *Madison Democrat* (Wis.), Nov. 8, 1885.

[34]Anderson, *Norwegian Immigration,* 155.

generally directed their course towards the Illinois settlement, which, as a result, grew rapidly and spread into the neighboring towns of Norway, Leland, Lisbon, Morris, and Ottawa.

The actual process of migration from Norway to Illinois or Wisconsin was full of serious difficulty, and to be entered upon by those only who possessed a strong determination and a stout heart. The dangers, discomforts, and hardships which everywhere attended immigration before 1850, were made even more trying, in prospect, by the weird stories of wild Indians, slave-hunters, and savage beasts on land and sea, all of which were thoroly believed by the peasants. Moreover, the church took a hand to prevent emigration, the bishop of Bergen issuing a pastoral letter on the theme: "Bliv i Landet, ernær dig redelig." (Remain in the land and support thyself honestly.)[35] Until a much later time, no port of Norway or Sweden had regular commercial intercourse with the United States, and only by rare chance could passage be secured from Bergen or some southern port direct to New York or Boston. The usual course for those desiring passage to America was to go to some foreign port and there wait for a ship; it was good luck if accommodation were secured immediately and if the expensive waiting did not stretch out two or three weeks. The port most convenient for the Norwegians was Gothenburg in Sweden, from which cargoes of Swedish iron were shipped to America; from that place most of the emigrants before 1840 departed, tho some went by way of Hamburg, Havre, or an English port.

Long after 1850, the immigrants came by sailing vessels because the rates were, on the whole, cheaper than by steamer; those men who had large families were especially urged to take the sailing craft.[36] The days of emigrant agents, through-tickets, and capacious and comparatively comfortable steerage quarters in great ocean liners were far

[35]Langeland, *Nordmændene i Amerika*, 22. He naïvely remarks that the Scandinavians have preferred to follow that other text: "Be fruitful replenish the earth."

[36]*Billed Magazin*, I, 123-124.

in the future; the usual accommodations were poor and unsanitary; the danger from contagious diseases, scurvy, and actual famine were very real, especially if the voyage, long at the best, was prolonged to four and perhaps five months.[37] The cost of passage varied greatly according to accommodations and according to the port of departure. Sometimes the passage charge included food, bedding, and other necessaries, but usually the passengers were required to furnish these. One company of about 85 in 1837 paid $60 for each adult, and half fare for children, from Bergen to New York.[38] In the same year another company of 93 paid $31 for each adult from Stavanger to New York, without board; still another, numbering about 100, paid $33 1-3 for each adult passenger from Drammen in Norway to New York; the Nattestad brothers paid $50 from Gothenburg to Boston.[39] In 1846, a large party went to Havre, and paid $25 for passage to New York.[40] The extreme figures, therefore, seem to be about $30 and $60 for passage between one of the Scandinavian ports and New York or Boston. When the cost of transportation from the Atlantic seaboard to Illinois and Wisconsin is added to these figures, it will be plain that a considerable sum of ready cash, as well as strength and courage, was necessary for undertaking the transplantation of a whole family from a Norwegian valley in the mountains to an Illinois prairie.

[37]Interview with the late Rev. O. C. Hjort of Chicago, July, 1890, whose party spent five months on the sea.

[38]Langeland, *Nordmændene i Amerika*, 25—"saavidt nu erindres."

[39]*Billed Magazin*, I, 9, 94.

[40]*Ibid.*, I, 388.

CHAPTER IV.

The Rising Stream of Norwegian Immigration.

The second period of Norwegian immigration, extending from 1836 to 1850, is marked by the strengthening and deepening of the emigration impulse in Norway and by its spread to new districts, and also by the deflection of the course of the rising stream in the United States. Not merely in the vicinity of Stavanger, from which a second party, made up of 93 persons from Egersund, followed the wake of the first and reached Illinois in 1837, but from Bergen and in the districts near it, the "America fever" was spreading. The letters of Hovland circulated there, and at least three men journeyed to interview Slogvig. Knud Langeland, whose little book on the Northmen in America is frequently quoted in these pages, relates how, as a young man of sixteen, his imagination was fired by reading a small volume written by a German and entitled *Journey in America*, which he discovered in the library of a friend in Bergen in 1829; how he read eagerly for several years everything which he could lay hands on relating to America; and how he gathered all possible information about the emigration from England, during a visit to that country in 1834—and then became himself an immigrant.[1]

By 1837 a goodly number were determined to emigrate, and had disposed of their holdings of land. A way opened for them to make the long voyage under especially favorable circumstances. Captain Behrens, owner and commander of the ship *Ægir*, on his return to Bergen in the autumn of 1836, learned that a large party wanted transportation to America. In New York he had seen vessels

[1]Langeland, *Nordmændene i Amerika*, 20-21. See Cobbett, *The Emigrant's Guide* (London, 1829), a typical English guide book of the period.

fitted up for the English and German immigrant traffic; he had learned the requirement of the laws of the United States on the subject; two German ministers who returned to Europe in his ship, gave him further information. He therefore fitted up his vessel for passengers, and carried out his contract to transport to New York the party which finally numbered 84, being mainly made up of married men each with "numerous family," at least one of which counted eight persons.[2] From New York the company proceeded to Detroit, where they were joined by the two Nattestad brothers from Numedal, and from thence they went by water to Chicago.

Their original intention was to go to the La Salle County settlement, but in Chicago they met some of the Fox River people, Björn Anderson among others, who gave such an unfavorable account of conditions in that colony that the majority determined to seek another location. At the instigation of certain Americans, presumably land speculators, a prospecting party of four, including Ole Rynning, one of the leading spirits of the company, went into the region directly south of Chicago and finally chose a site on Beaver Creek. Thither about fifty immigrants went, and began the third Norwegian settlement, which proved to be the most unfortunate one in the history of Norwegian immigration. Log huts were built and the winter passed without unusual hardships, tho it was soon evident that a mistake was made in settling so far from neighbors and from a base of supplies at that time of the year when the soil produced nothing. Serious troubles, however, developed with the spring, and grew with the summer. The land which appeared so dry and so well-covered with good grass when it was selected and purchased in August or September, proved to be so swampy that cultivation was impossible before June. Malaria attacked the settlers, and as they were beyond the reach of medical aid, nearly two-thirds of them died before the end of the summer. The remnant of the colony fled as for their

[2]Langeland, *Nordmændene i Amerika*, 25 ff.

lives, regardless of houses and lands, and scarcely one of them remained on the ground by the end of 1838.[3]

One of the victims of these hard experiences was Ole Rynning, who succumbed to fever in the autumn of 1838. Tho in America scarcely a year and a half, he is one of the uniquely important figures in the history of Norwegian immigration. The son of a curate in Ringsaker in central Norway, and himself dedicated by his parents to the church, he passed the examinations for entrance to the University of Christiania, but turned aside to teaching in a private school near Throndhjem for four years before his emigration.[4] He is invariably spoken of as a man of generous, philanthropic spirit, genuinely devoted to the human needs of his fellow immigrants.

Having learned by personal observation in America the answers to many of the questions which he, as a man of education, had asked himself in Norway, he took advantage of the confinement following the freezing of his feet during a long exploring tour in Illinois, to write a little book of some forty pages, to which he gave the title (in translation): "A true Account of America, for the Instruction and Use of the Peasants and Common people, written by a Norwegian who arrived there in the Month of June, 1837."[5] The manuscript of this first of many guidebooks for Norwegian emigrants was taken back to Norway by Ansten Nattestad and printed in Christiania in 1838.[6] It plays so large a part in a great movement, that a detailed analysis is worth presenting.

The preface, bearing the author's signature and the date, "Illinois, February 13, 1838," is translated as follows:

"Dear Countrymen,—Peasants and Artisans! I have

[3]Langeland, *Nordmændene i Amerika,* 30 ff; Anderson, *Norwegian Immigration,* 195 ff.

[4]Anderson, *Norwegian Immigration,* 203-205; Langeland, *Nordmændene i Amerika,* 31. Much information regarding Rynning was derived from the Rev. B. J. Muus, of Minnesota, a nephew of Rynning.

[5]Sandfærdig Beretning om Amerika til Veiledning og Hjælp for Bonde og Menigmand, skrevet af en Norsk som kom der i Juni Maaned, 1837."

[6]*Billed Magazin,* I, 94.

now been in America eight months, and in that time I have had an opportunity of finding out much in regard to which I in vain sought information before I left Norway. I then felt how disagreeable it is for those who wish to emigrate to America to be in want of a reliable and tolerably complete account of the country. I also learned how great is the ignorance of the people, and what false and ridiculous reports were accepted as the full truth. In this little book it has, therefore, been my aim to answer every question which I asked myself, and to clear up every point in regard to which I observed that people were ignorant, and to disprove false reports which have come to my ears, partly before I left Norway, and partly after my arrival here."[7]

The body of the book is made up of thirteen chapters devoted to these questions and their answers:

1-3. The location of America, the distance from Norway, the nature of the country, and the reason why so many people go there.
4. "Is it not to be feared that the land will soon be overpopulated? Is it true that the government there is going to prohibit immigration?"
5-6. What part of the land is settled by Norwegians, and how is it reached? What is the price of land, of cattle, of the necessaries of life? How high are wages?
7. "What kind of religion is there in America? Is there any sort of order and government, or can every man do what he pleases?"
8-9. Education, care of the poor, the language spoken in America, and the difficulties of learning it.
10. Is there danger of disease in America? Is there reason to fear wild animals and the Indians?
11. Advice as to the kind of people to emigrate, and warning against unreasonable expectations.

[7]Anderson, *Norwegian Immigration*, 207-208. In making this and the following translations, Mr. Anderson used the copy of Rynning's book belonging to the Rev. B. J. Muus, the only copy known to be in America. This copy is now in the library of the University of Illinois.

12. "What dangers may be expected on the ocean? Is it true that those who are taken to America are sold as slaves?"
13. Advice as to vessels, routes, seasons, exchange of money, etc.

Rynning assured his readers, in the seventh chapter, that America is not a purely heathen country, but that the Christian religion prevails with liberty of conscience, and that "here as in Norway, there are laws, government, and authority, and that the common man can go where he pleases without passport, and may engage in such occupation as he likes."[8] Then follows this strong, significant paragraph, intelligently describing the slavery system, which undoubtedly had a powerful influence on the future location, and hence on the politics, of the immigrants from Scandinavia:

"In the Southern States these poor people (Negroes) are bought and sold like other property, and are driven to their work with a whip like horses and oxen. If a master whips his slave to death or in his rage shoots him dead, he is not looked upon as a murderer. . . . In Missouri the slave trade is still permitted, but in Indiana, Illinois, and Wisconsin Territory it is strictly forbidden, and the institution is strictly despised. . . . There will probably soon come a separation between the Northern and Southern States or a bloody conflict."

From the account given thirty years afterwards by Ansten Nattestad, it appears that a chapter on the religious condition of Norway was omitted by the Rev. Mr. Kragh of Eidsvold, who read the proofs, because of its criticisms of the clergy for their intolerance, and for their inactivity in social and educational reforms.[9] This has led some writers like R. B. Anderson to attribute large weight to religious persecution as a cause of emigration. While religious

[8]Rynning, *Sandfærdig Beretning*, 23, 24. Translated in Anderson, *Norwegian Immigration*, 214-215.

[9]*Billed Magazin*, I, 94.

repression was a real grievance and affected many of the early emigrants, the cases where it was the moving or dominant cause of emigration after 1835 are so few as to be almost negligible.[10] At best, it re-enforced and completed a determination based on other motives. For most Norwegian dissenters, the Haugians for example, lack of toleration was rather an annoyance than a distress, save, perhaps, for the more persistent and turbulent leaders.[11] It is hardly fair, therefore, to compare them, as a whole, with the Huguenots of France.[12]

In the years immediately following 1838, the "America Book," distributed from Christiania, went on its missionary journeys and reached many parishes where the disaster at Beaver Creek and the untimely death of Ole Rynning had never been heard of. By its compact information and its intelligent advice, it converted many to the new movement. The diary of Ole Nattestad, printed in Drammen in the same year, seems to have exerted very little influence, but the visit of his brother Ansten to his home in Numedal, in east-central Norway, a hitherto unstirred region, awakened keen and active interest in America, and again men travelled as far as 125 English miles to meet one who had returned from the vast land beyond the Atlantic.[13]

The first party from Numedal left Drammen in the spring of 1839, under the leadership of Nattestad, and went directly to New York. It numbered about one hundred able-bodied farmers with their families, some of them being men with considerable capital. From New York they went to Chicago, expecting to join Ole Nattestad at the Fox River. At the latter city they learned that he had gone into Wisconsin after his brother left for Norway in 1838, and that he had there purchased land in the township of Clinton in Rock County, thus being probably the first Norwegian settler in Wisconsin. Accordingly the larger part

[10]Letters of R. B. Anderson and J. A. Johnson, *Daily Skandinaven,* Feb. 7, 1896.

[11]Brohough, *Elling Eielsens Liv og Virksomhed,* 10-11, 20-21, 30-36.

[12]Anderson, *Norwegian Immigration,* 50.

[13]*Billed Magazin,* I, 94.

of the Numedal party followed him to the newer region, where better land could be had than any remaining in La Salle County, Illinois, at the minimum price, and took up sections near Jefferson Prairie. Thus the current of Scandinavian settlement was deflected from Illinois to Wisconsin, and later comers from Numedal, in 1840 and afterwards, steered straight for southeastern Wisconsin. In 1839 and later other recruits for the growing and prosperous settlement of Norwegians in Rock County and adjoining counties came from Voss and the vicinity of Bergen. Possibly the difference of dialects had something to do with drawing people from the same province or district into one settlement, but in a general way the same reasons and processes operated among the Norwegian emigrants as among those from Massachusetts, Pennsylvania, and Virginia who settled in various States in sectional groups, sometimes dividing a county by a well-defined line.

Closely connected with this settlement, begun under the leadership of the Nattestad brothers, were other settlements in adjacent townships,—at Rock Prairie or Luther Valley, comprising the present towns of Plymouth, Newark, Avon, and Spring Valley in Rock County, Wisconsin, and Rock Run in Illinois. Through these settlements many new comers filtered and spread out rapidly toward the West and Northwest, reaching in a few years as far as Mineral Point, more than fifty miles from Jefferson Prairie.

Other sections of Norway than those already mentioned began to feel the effects of the emigration bacillus after 1837, and the processes illustrated by the movements from Stavanger, Bergen, and Numedal were repeated—the emigration of two or three, letters sent home, the return of a man here and there, the organization of the party, the long journey, and the selection of the new home. Thelemark, the rugged mountainous district in south central Norway, was in a condition to be strongly moved by stories of freer and larger opportunities. Long before 1837, great tracts of land in Upper Thelemark became the property of two wealthy lumber men, and the tenant-farmers were drawn more and more into work in the lum-

ber mills, to the neglect of farming and grazing. Consequently, when logging was suspended in the hard times, and the wages, already low, were stopped altogether, great distress resulted, and emigration seemed about the only means of escape. "With lack of employment and with impoverishment, debt and discontent appeared as the visible evidences of the bad condition. That was the golden age of the money-lenders and sheriffs. So the America fever raged, and many crossed the ocean in the hope of finding a bit of ground where they could live and enjoy the fruits of their labors without daily anxiety about paydays, rents, and executions."[14]

A company of about forty, representing eleven families from Thelemark, failing to get accommodations with the Nattestad party at Drammen, went on to Skien and thence to Gothenburg, where they secured passage in an American vessel loaded with iron, and made the voyage to Boston in two months.[15] Three weeks more were consumed in the circuitous journey to Milwaukee by way of New York, Albany, the Erie Canal and the Great Lakes. Like several other parties of that year they originally aimed at Illinois.[16] But their boat "leaked like a sieve," and the stop at Milwaukee was probably precautionary. Instead of proceeding further, they were persuaded to send a committee, under the guidance of an American, into the present county of Waukesha, where they selected a tract about fourteen miles southwest of Milwaukee, on the shore of Lake Muskego.[17] Here each adult man took up forty acres at the usual minimum price of $1.25 per acre, and so began

[14]Translated from *Billed Magazin,* I, 18 ff.

[15]*Ibid,* 6-7.

[16]A shipping notice in the *Boston Daily Advertiser,* Aug. 1, 1839 reads: "Passengers,—in the "Venice" from Gothenburg, 67 Norwegians on their way to Illinois."

[17]An oft-repeated story tells how the company was persuaded to remain in Wisconsin by some enterprising Milwaukee men who pointed out to the immigrants a fat, healthy-looking man as a specimen of what Wisconsin would do for a man, and a lean, sickly-looking man as a warning of what the scorching heats and fever of Illinois would quickly do to a man who settled there. See *Billed Magazin,* I, 7.

the Muskego colony proper, the name, Muskego, however, being later applied to the group of settlements in Waukesha County and to several towns in Racine County.[18] Like the colony in Rock County, the Muskego group grew rapidly in spite of malarial troubles, and for ten years it was an objective point for immigrants from Thelemark, and a halting place for those bound for the frontier farther west in Wisconsin or in Iowa.

As the emigration movement from Norway increased, the planning of settlements and the organization of parties took on a more definite and business-like air. The process is well illustrated in the case of the town of Norway in Racine County, Wisconsin, which was one of the most successfully managed settlements in the Northwest. In the fall of 1839, two intelligent men of affairs, Sören Bakke, the son of a rich merchant of Drammen, and John Johnson (Johannes Johannesson), came to America on a prospecting tour, for the purpose of finding a place where they might invest money in land as a foundation for a colony, which they may possibly have intended to serve as a new home for a sect of dissenters known as Haugians.[19] After visiting Fox River in Illinois, and various locations in Wisconsin, they found a tract that suited them—good land, clear water, and abundance of game and fish, enough to satisfy the most fastidious. This they purchased, building a cabin on it and awaiting the coming of their friends to whom they sent a favorable report.[20] The party arrived in the autumn of 1840, under the leadership of Even Heg, an innkeeper of Leir, who brought still more money, which was also invested in land. Altogether, the money which Bakke brought with him, or received later, amounted to $6000.[21] It was all used for purchasing land, which was either sold to well-to-do immigrants, or leased to new comers. This business was supplemented by a store kept in the first cabin. Upon the death of Johnson in 1845, Bakke

[18] *Billed Magazin*, I, 10.
[19] *Ibid.*, I, 12.
[20] *Ibid.*, I, 18.
[21] *Ibid.*, I, 12.

went home and settled upon an estate owned by his father in Leir, one of the first of the very small number of men who have returned to permanent residence in Norway after some years spent in America.[22] Even Heg became the real head of the colony at Norway, Wisconsin, after the departure of Bakke, whose interests he continued to look after, and under his management a steady development followed. This settlement became the Mecca of hundreds of immigrants arriving in Milwaukee in the late forties, and "Heg's barn was for some months every summer crowded with newcomers en route for some place farther west."[23]

Another important and highly prosperous group of settlements, called Koshkonong after the lake and creek of that name, sprang up in 1840 and 1841, in the southwestern corner of Jefferson County, Wisconsin, and the adjacent parts of Dane and Rock Counties. The beginning was made by men who removed thither from the Fox River and Beaver Creek localities after investigating the lands in Wisconsin. In 1840 there were nine entries of land by Norwegians in the present townships of Albion, Christiana, and Deerfield, the usual purchase being eighty acres; the next few years saw the spread of the colony to the townships of Pleasant Valley and Dunkirk, from the influx of immigrants from Illinois and from Norway.[24] After the stress and hardship of the first pioneer years, the fortunate choice of location in one of the best agricultural sections of Wisconsin told very promptly, and Koshkonong became "the best known, richest, and most interesting Norwegian settlement in America, the destination of thousands of pilgrims from the fatherland since 1840."[25] Many of the farms are still in possession of the families of the original settlers, whose children are prominent in business, professional and political circles.

[22]*Ibid.;* Anderson, *Norwegian Immigration,* 280 ff.

[23]Langeland, *Nordmændene i Amerika,* 44; *Billed Magazin,* I, 13.

[24]Anderson, *Norwegian Immigration,* 326 ff. Anderson quotes in full a letter from the United States Commissioner of Land Office giving date and extent of each entry by Norwegians.

[25]M. W. Odland, *Amerika,* Jan. 15, 1904.

The movement of the stream of Norwegian immigrants after 1845 was distinctly in a direction westward from the Wisconsin settlements; the land farther out on the prairies was better, tho it did not have the combination of timber and stream or lake which the early settlers insisted on having, often to their detriment, since land chosen with reference to these requirements was apt to be marshy. The fresh arrivals, after a few weeks or months in the friendly and helpful communities of early immigrants, were better prepared by a partial acclimatization, by knowledge of the steps necessary for acquiring citizenship and land-ownership, and by the formation of definite plans of procedure, for the next stage in the western course of their empire. Occasionally a shrewd farmer of the older companies took advantage of the rise in the value of his farm, sold out, and bought another tract farther out on the frontier, perhaps repeating the process two or three times.[26] John Nelson Luraas, for example, was one of those men who first spent some time in Muskego, then bought land in Norway, Racine County; after improving it for three years, he sold it in 1843 and moved into Dane County.[27] Here he lived for twenty-five years, and then moved into Webster County, Iowa, taking up new land. After a few years he went back to his Dane County property, where he spent another thirteen years; finally, as an aged, retired, wealthy farmer, he died in the village of Stoughton in 1890.[28]

Provision for religious instruction and ministration was one of the early concerns of the Norwegian immigrants, as would be expected from a people essentially religious, who moved by whole families. Nor was there much distinction between the more orthodox and the dissenters. After their magnetic center shifted to the west in 1835 and the settlements and population multiplied, a good deal of lay preaching of one sort and another went on,—Lutheran,

[26]Langeland, *Nordmændene i Amerika*, 44-45; *Billed Magazin*, I, 13.

[27]It may be well to note that the name of Dane county has no relation to Scandinavian settlement, but was given in honor of Nathan Dane of Massachusetts, author of the Northwest Ordinance of 1787.

[28]Anderson, *Norwegian Immigration*, 276.

Methodist, Haugian, Baptist, Episcopalian, and Mormon. Lay services, in fact, were the rule all along the westward moving frontier, and services conducted by regular clergymen the exception. One of the Norwegians wrote: "We conducted our religious meetings in our own democratic way. We appointed our leader and requested some one to read from a book of sermons. . . . We prayed, exhorted, and sang among ourselves, and even baptised our babies ourselves."[29]

Cut off by language from much participation in English worship—a man must know an alien tongue long and thoroly to make it serviceable for religious purposes—the men from Numedal, Vos, and Drammen, felt keenly a great need for some one to instruct their children in the Norwegian language and in the Lutheran religion after the Old World customs. In 1843, two hundred men and women in the flourishing group of settlements around Jefferson Prairie, Wisconsin, signed a petition addressed to Bishop Sörenson in Norway asking him to send them a capable and pious young pastor, to whom they promised to give a parsonage, 80 acres of land, $300 in money, and fees for baptisms, marriages, and the like.[30] Tho this petition itself seems not to have been answered, it was not long before a properly ordained clergyman arrived.

Claus Lauritz Clausen, a Danish student of theology seeking employment as a tutor in Norway, was persuaded, probably by the father of Sören Bakke in Drammen, to heed the call from America.[31] On his arrival in the West in 1843, he found the need for a pastor and preacher more urgent than for a teacher, and accordingly he sought and received ordination at the hands of a German Lutheran minister, October, 1843.[32] He proceeded to organize, in Heg's barn at Norway, the first congregation of Norwegian Lutherans in the United States, and so began a career of

[29]A letter of John E. Molee, February, 1895, quoted by Anderson, *Norwegian Immigration*, 320. (See also, *ibid.*, 396-399.)

[30]Anderson, *Norwegian Immigration*, 255.

[31]Nelson, *Scandinavians in the United States*, (2d ed.) 387 ff.

[32]Bothne, *Kort Udsigt*, 835 ff.

useful ministration which lasted nearly half a century. Not long after his ordination, its validity was called in question by strict Lutherans. The question was finally submitted to the theological faculty of the University of Christiania, which decided that "the circumstance that an ordination is performed by a minister and not by a bishop, cannot in itself destroy the validity of the ministerial ordination."[33] At any rate, Clausen's activity, general helpfulness, staunchness of convictions, and length of service, if not his ordination, make him one of the typical pioneer preachers.[34]

Another clergyman of the same class as Clausen, was Elling Eielsen, a Haugian lay-preacher who went from place to place in the Northwest from 1839 to 1843, holding services with his countrymen. He was ordained in the same month as Clausen, and, like him, in a semi-valid fashion, by a Lutheran clergyman, not a bishop.[35] Like Clausen, also, his term of labors as a Haugian apostle, passed forty years.[36]

Whatever irregularities in the ordination of Clausen or of Eielsen may have disturbed the consciences of the stricter of the Lutheran sect, nothing of the sort attached to the Rev. Johannes Wilhelm Christian Dietrichson, who arrived in 1844, fresh from the University of Christiania and from the ordaining hands of the Bishop of Christiania. He was a diligent, aggressive, zealous young man of about thirty, sent out as a kind of home missionary in foreign parts at the expense of a wealthy dyer of Christiania. For two years, summer and winter, he went back and forth in

[33]Jacobs, *Evangelical Lutheran Church*, 411.

[34]Bothne, *Kort Udsigt*, 835; Jensson, *American Lutheran Biographies*, "Clausen."

[35]Brohough, *Elling Eielsens Liv og Virksomhed*, ch. II, and App.

[36]Nelson, in his *Scandinavians in the United States*, 388, is probably mistaken in stating that Eielsen built the first Norwegian church and organized the first congregation in 1842 at Fox River, confusing the fact that Eielsen had built a log house on his own land, and held religious services in the loft, with the possibility of the formation of a congregation. Eielsen's biographer makes no mention of his organization of a regular congregation. Brohough, *Elling Eielsens Liv og Virksomhed*, 61.

southern Wisconsin ministering to the Norwegians of all ages and beliefs,—and all for the stipend of $300 yearly.[37] One of the results of these labors, was a little book, *Reise blandt de norske Emigranter i "de forenede nordamerikanske Fristater,"* in which Dietrichson gives the earliest detailed account of the settlements in Wisconsin and Illinois before 1846. He described the origin, numbers, conditions, and prospects of each community in his wide parish. At Fox River, he says he found about 500, who were of all creeds, mostly dissenters, including 150 Mormons.

Three church edifices were erected in 1844-5, and dedicated within a short time of each other. Dietrichson dedicated one at Christiana, Dane County, Wisconsin, December 19, 1844, and another at Pleasant Valley a little further west; Clausen dedicated his church at Muskego on March 13, 1845.[38] All were simple structures, as would be expected; a plain table was the altar, and the baptismal font was hewn out of an oak log. But they served none the less as effective and inspiring centers of the religious life of the settlements. For the Muskego church, Even Heg gave the land, and Mr. Bakke of Drammen, whose protégé Clausen was, gave $400 towards construction. Dietrichson left his two churches in Koshkonong in 1845, and returned to Norway where he remained about a year. Aided by benevolent friends and by the Norwegian government, he came back to his prairie parishes in 1846 for a final stay of four years.[39] But his ways were not altogether ways of pleasantness, nor entirely in the paths of peace. The records of the church, and his own story, show that he had more than one stormy time with his people.[40] He departed

[37] *Minde fra Jubelfesterne paa Koshkonong* (1894), 54 ff; Bothne, *Kort Udsigt*, 839-842.

[38] Dietrichson, *Reise blandt de norske Emigranter*, 45 ff; *Minde fra Jubelfesterne paa Koshkonong.*

[39] *Nordlyset*, Sept. 9, 1847.

[40] Dietrichson, *Reise blandt de norske Emigranter*, 57-67. Some of the church records are printed in *The Milwaukee Sentinel*, July 21, 1895.

for Norway in 1850, and never again was in America.[41]

The preceding account of the beginnings and progress of the earliest Norwegian settlements in Illinois and Wisconsin has been given in some detail, for the reason that the course of these settlements, in a very broad sense, is typical of all the Norwegian colonization in the Northwest, and of the Swedish and Danish as well. In the later chapter on economic conditions, the causes which led these people to settle upon the land rather than in the cities will be discussed at length. Suffice it here to say that the average immigrant brought only a small amount of cash, along with his strong desire for land, and he consequently went where good land was cheap, in order the more speedily to get what he wanted. This meant that he would push out on the newly accessible government land in Iowa, Minnesota, and the Dakotas in turn. So the transformation of the frontier has witnessed the continual repetition of the experiences of the early Norwegian immigrants in Illinois and Wisconsin in the years from 1835 to 1850, as they are described in this and the preceding chapters. At the present time, in the remoter parts of the Dakotas, Montana, Washington, Oregon, and Utah, the same story is being retold in the same terms of patience, hardship, thrift, and final success.

[41]The following year he published a second book, *Nogle Ord fra Prædikestolen i Amerika.*

CHAPTER V.

Swedish Immigration Before 1850.

When the Swedish emigration of the nineteenth century began, it is doubtful if many persons in Sweden knew of the existence of the descendants of their compatriots of the seventeenth. The last Swedish pastor of Gloria Dei Church in Philadelphia died in 1831, and there is no evidence that any immigrant after 1800 turned his steps toward Philadelphia or the valley of the Delaware expecting to join the third or fourth generation of Swedes there.[1] Before 1840, in New York, Philadelphia, and a few other places, a Swede might now and then be found. One of these adventure-seeking young fellows was Erick Ålund, who reached Philadelphia in 1823; another was O. C. Lange who arrived in Boston in 1824, and by 1838 found himself in Chicago, probably the first of that mighty company of Swedes which has made Chicago the third Swedish city in the world.[2] Olof Gustaf Hedström, who left Sweden in 1825, and his brother Jonas, were influential early arrivals.[3] But the number of such men could not have been large, for ignorance as to America was quite as dense in Sweden as in Norway, the name being all but unheard of in parts of the kingdom.[4]

Sixteen years elapsed after the "Sloop Folk" landed in New York, and five years after they located in their second American home, in Illinois, before the Swedish immigration

[1]Winsor, *Narrative and Critical History of America,* IV, 488.

[2]Interview with Capt. O. C. Lange in Chicago, March, 1890. He stated that he was the only Swede in Chicago in 1838, but that there were thirty or forty Norwegians "who were doing anything for a living, even begging,"— but Capt. Lange was an ardent Swede and despised Norwegians!

[3]Norelius, *Svenskarnes Historia,* 23-26.

[4]Mikkelsen, *The Bishop Hill Colony,* 26.

really began. The first party, or regular company, of Swedes, consisting of about twelve families, arrived in 1841 under the leadership of Gustav Unonius, a young man who had been a student at the University of Upsala.[5] It was made up of the "better folk", and included some, like Baron Thott, who were entitled to be called "Herr."[6] The immigration does not appear to have been induced by any religious persecution or discontent, but was purely a business venture of a somewhat idealistic sort, into which the immigrants put their all, in the hope that they could get a more satisfactory return than they could from a like investment in Sweden.

From New York the party went by the water route to Milwaukee, following in the wake of parties of Norwegians. There they met Captain Lange, who seems to have persuaded them to select a location near Pine Lake—a name that would certainly attract a Swede—in the neighborhood of the present town of Nashotah, about thirty miles west of Milwaukee. Here they were later joined by a variegated assortment of characters attracted by letters which Unonius wrote to newspapers in Sweden,—noblemen, ex-army officers, merchants, and adventurers,[7] so that the colony took on almost as motley an air as that at Jamestown in the first years after 1607. While they hardly could have succeeded under more favorable circumstances, they were particularly unfitted by their previous manner of living to become farmers or to undergo the deprivations and hardships of pioneering. The winter of 1841-2 was severe, and their poorly-built houses gave inadequate protection against the cold of January and February in Wisconsin;

[5]Norelius, *Svenskarnes Historia*, 2 ff. The early history of the Swedish immigration is treated in a much more complete and scholarly fashion than is the Norwegian, in the works of Unonius, Norelius, and Peterson and Johnson. For this reason, and because of the similarity of the early Swedish and Norwegian movements, the Swedish settlements are not followed up in this study with the same detail as the Norwegian.

[6]Unonius, *Minnen*, I, 5 ff; *History of Waukesha County, Wis.*, 748.

[7]"and a large proportion of criminals," Nelson, *Scandinavians in the United States*, II, 117.

their land was badly tilled, tho they labored earnestly; and their first crop fell short of their necessities. Their hope of leading an Arcadian life in America was rudely shattered. Captain von Schneidau, late of the staff of King Oscar, was a farm laborer, and Baron Thott became a cook for one of the settlers in order to get a bare living.[8] Sickness, misfortune, want of labor, and lack of money led to almost incredible suffering at the first, and some of the settlers, like Unonius and von Schneidau, went to Chicago, where the former became pastor of a Swedish congregation, and the latter prospered as "the most skilful daguerreotypist, probably, in the whole state."[9]

Frederika Bremer, the famous Swedish traveller, visited both the Norwegian and the Swedish settlements in Wisconsin in 1850, and has left a very graphic and sympathetic account of the Pine Lake colony where she spent a few days.[10] She found about a half dozen families of Swedes. "Nearly all live in log-houses, and seem to be in somewhat low circumstances. The most prosperous seemed to be that of the smith; he, I fancy, had been a smith in Sweden. . . . ; he was a really good fellow, and had a nice young Norwegian for his wife; also a Mr. Bergman who had been a gentleman in Sweden, but who was here a clever, hard-working peasant farmer."[11] At one of the houses she met twenty-one Swedish settlers. The failure of the colony, to Miss Bremer's mind, was not altogether due to circumstances; the settlers at first "had taken with them the Swedish inclination for hospitality and a merry life, without sufficiently considering how long it could last. Each family built for itself a necessary abode, and then invited

[8] *History of Waukesha County, Wisconsin,* 749.

[9] Bremer, *Homes of the New World,* II, 214-217. Miss Bremer relates how Mrs. von Schneidau "had seen her first-born little one frozen to death in its bed," and how Mrs. Unonius "that gay, high-spirited girl, of whom I heard when she was married at Upsala to accompany her husband to the New World . . . had laid four children to rest in foreign soil."

[10] *Ibid.,* 225-235.

[11] *Ibid.,* 225; Unonius, *Minnen,* II, 6 ff.

their neighbors to a feast. They had Christmas festivities and Midsummer dances."[12]

Notwithstanding the hard life of the first years at Pine Lake, the letters from well-educated and well-known men like Unonius, especially those published in the Swedish newspapers, helped to stimulate a desire for emigration in Sweden. A company of fifty, from Haurida in Smaaland, left in the autumn of 1844, part of them going to Wisconsin, and at least one family going to Brockton, Massachusetts, and beginning the considerable Swedish settlement in that city.[13] In the following year, five families were influenced by letters from a Pine Lake settler, to leave their homes in Östergötland, and to set out for Wisconsin. At New York, however, they were persuaded, probably by Pehr Dahlberg, to go to Iowa, then just admitted to the Union, where land was supposed to be better than at Pine Lake, and could be had at the same price. The route followed was an unusual one for Scandinavian immigrants,—from New York to Pittsburg, down the Ohio River, and up the Mississippi. The location finally chosen was in Jefferson County, Iowa, about forty-two miles west of Burlington; and the settlement was christened New Sweden. To it many immigrants from the parishes of Östergötland found their way in later years. The second rural settlement of the Swedes thus established was, quite in contrast to the first one, distinctly successful from the start.[14]

The first Swedish settlements in Illinois, may be traced to the efforts of the brothers Hedström already mentioned. Olof visited his old home in 1833, after an absence of eight years, and on his return to New York he was accompanied by his brother Jonas.[15] These two men influenced the course which Swedish immigrants were to

[12]Bremer, *Homes of the New World,* II, 214.

[13]Norelius, *Svenskarnes Historia,* 27.

[14]G. T. Flom, "Early Swedish Immigration to Iowa," *Iowa Journal of History and Politics,* III, 601 ff. (Oct., 1905); Norelius, *Svenskarnes Historia,* 27.

[15]Norelius, *Svenskarnes Historia,* 21.

take in America down to 1854, in much the same way as the Nattestad brothers had earlier affected the Norwegians. After several years, spent presumably in New York, Jonas moved into Illinois and settled in the township of Victoria, in Knox County.[16] Olof Hedström was converted to Methodism in America, and became a zealous minister of that church; in the history of Methodism in New York City and in the chronicles of Scandinavian immigration, his is a unique figure. The needs of the multiplying hosts of immigrants of all sorts, who were flocking to New York, were thoroughly understood by the Methodist authorities of that city, and Hedström was put in charge of the North River Mission for Seamen. His "Bethel Ship" work began about 1845, a time when there was great need for a helping hand to be extended to the Scandinavians, among other immigrants, for whom agents, "runners," and "sharks" were lying in wait. The Rev. E. Norelius, the cultivated and scholarly pastor and historian, who had personal experience of the kindly offices of Hedström, declares that the missionary was a father to the Scandinavian people who came to America by way of New York.[17]

With Olof Hedström offering friendly greeting, help, and advice in New York, and working in connection with his brother Jonas in Illinois, no prophetic instinct was needed to foretell the goal which would be ultimately sought by those who came under the benevolent ministrations of this Swedish Methodist preacher. The path to Illinois became a highway for multitudes of Swedes, and that State was to the Swedish immigration what Wisconsin was to the Norwegian.

Swedish settlement on a large scale began in 1846, with the founding at Bishop Hill, in Henry County, Illinois, of the famous Jansonist colony, whose history is exceedingly interesting and, at times, highly pathetic. Not only were there many hundreds of Swedes and some Norwegians grouped together in a single county, but the colony

[16] *Ibid.*, 24-26; Johnson and Peterson, *Svenskarne i Illinois*, 286.
[17] Norelius, *Svenskarnes Historia*, 21, 23-26.

was also an experiment in communism, based on peculiar religious tenets.[18]

The Jansonist movement in Sweden, which must not be confused with the Jansenist school or system of doctrine of another time and place in Western Europe, began about 1842 in Helsingland, in the prosperous agricultural province of Norrland.[19] For fifteen years there had been an undercurrent of dissent in the Established Church in that province, led by Jonas Olson, who called his followers "Devotionalists." The agitation was carried on primarily against the general ignorance of the people and the sloth of the clergy, but not until Eric Janson appeared on the scene did any organization of the dissenters take definite form. When he moved from Wermland to Helsingland in 1844 and published the high claim that he represented the second coming of Christ and was sent to restore the purity and glory of Christianity, he was received with great enthusiasm by the restless peasants, and accepted as a divinely appointed leader who should gather the righteous into a new theocratic community.[20]

The progress of the dissenting sect was so rapid that the Established Church, backed by the civil authorities, took stern measures to suppress the heresy. It must be confessed that the dissenters continued to show a fanatical spirit, and gave the ecclesiastical officers special cause for alarm. In June, 1844, for example, the Jansonists made an immense bonfire near Tranberg, and burned as useless and dangerous, all the religious books which they could lay their hands on, with the exception of the Bibles, hymn-books, and catechisms. As if one offense of this kind were

[18]The history of this Swedish settlement, with its numerous peculiarities, its prosperity and its misfortunes, has been so often written up with considerable detail, that only the outlines of it are given here. See Bibliography.

[19]Mikkelsen, *The Bishop Hill Colony*, 19 ff.

[20]*Ibid.*, 25. "The glory of the work which is to be accomplished by Eric Janson, standing in Christ's stead, shall far exceed that of the work accomplished by Jesus and his Apostles,"—quoted in translation by Mikkelsen from *Cateches, af Eric Janson* (Söderhamn, 1846), 80.

not enough to shock the pious Lutherans and everywhere stir up the zeal of the Lutheran clergy, a second burning of books followed in October, in which the Bible alone was spared.[21]

Janson was repeatedly arrested and imprisoned; his followers were subjected to the same treatment; and finally, a price was put upon the head of the pestilent arch-heretic. It was these persecutions, supplemented by letters from a Swedish immigrant in America, which turned the thoughts of the Jansonists towards the United States. So it happened that when Janson was rescued by his friends from the crown officer who had him in custody, he was spirited off over the mountains to Norway, and thence to Copenhagen, where he embarked for America. In New York he met Olof Olson, the "advance agent," who was sent out by the new sect in 1845 to spy out the better country where there was no established church, no persecution for conscience's sake, and no aristocracy.[22] Olson met Olof Hedström on landing in New York, and by him was directed to his brother Jonas in Illinois, who gave the new-comer a hospitable reception, and assistance in a prospecting tour of Illinois, Wisconsin, and Iowa. Olson decided on Illinois as the State in which to plant the proposed colony. On the arrival of Eric Janson in 1846, the exact site in Henry County was selected, and the name Bishop Hill given it after Biskopskulla, Janson's birthplace in Sweden.[23]

Janson appointed leaders for the would-be emigrants, —captains of tens and of hundreds—before he left Sweden, and under their guidance several parties made their way to Henry County in 1846, usually going by way of New York, the Erie Canal, and the Great Lakes. Nearly 1100 persons were ready to emigrate, but, like the early Norwegians, they experienced great difficulty in securing passage, being compelled to go in companies of fifty or one

[21]Mikkelsen, *The Bishop Hill Colony*, 22; Norelius, *Svenskarnes Historia*, 63.

[22]Mikkelsen, *The Bishop Hill Colony*, 24.

[23]Johnson and Peterson, *Svenskarne i Illinois*, 26; *History of Henry County, Illinois.*

hundred in freight vessels, usually loaded with iron.[24] The greater number sailed from Gefle, though some went from Gothenburg and some from Stockholm.[25]

The greater part of these emigrating Jansonists were poor peasants, unable from their own means to bear for themselves and their families the great expense of the long journey from Helsingland to Illinois. In addition to other difficulties some of them had to purchase release from military service. It was to solve these problems of poverty and expense, that Janson followed the example of other leaders of religious sects, even of the early Christian leaders, and instituted community of goods for the whole sect. The pretext seems to have been religious, but from this distance it is clear that the motive of the leader was essentially economic and philanthropic. Nothing could better attest the tremendous earnestness of these uneducated enthusiasts than their implicit obedience to the commands of Eric Janson, for they gave all they had into his care and discretion—their property, their families, and themselves. The amounts contributed to the common treasury after the sale of individual property varied greatly, of course. Some turned in almost nothing, while others gave sums reaching as high as 24,000 kroner, or about $6,500.[26]

The methods and practices of the sect are revealed, in unsympathetic and perhaps exaggerated fashion, in a printed letter, dated at New York, May 23, 1847, written by one who found himself unequal to the high demands of the new faith and its self-appointed apostle.[27] This backslider, who emigrated with the rest, tells a story that sounds strangely like accounts of the action of more recent sects and their "divinely ordained" prophets and priestesses. Janson and all his works are denounced in very

[24]Swainson in *Scandinavia,* Jan., 1885.

[25]Mikkelsen, *The Bishop Hill Colony,* 28.

[26]Johnson and Peterson, *Svenskarne i Illinois,* 28.

[27]This account is contained in a small pamphlet, signed O. S., which was unearthed in the Royal Library in Stockholm while the author was searching there in 1890 for material on Swedish emigration.

bitter terms. After a five-months voyage not more than fifty out of three hundred, says the writer of the letter, were well, and many were suffering from scurvy; but Janson's "prophets" came aboard and "tried to work miracles and heal the sick," even damning those who did not believe they were well when they were raised up. He further says that the Jansonists were warned in Illinois to use medicine or the government would take a hand in their affairs. The letter closes with a statement that more than a hundred had already left the society.

The colony had a homestead at the outset, for Janson and his co-workers purchased for $2000 a tract of 750 acres, part of which was under cultivation. By the end of 1846, new recruits brought the number in the settlement up to about 400 souls, who were accommodated in log-houses, sod-houses, dug-outs, and tents. A church was improvised out of logs and canvas, and services were held daily at half past five in the morning and in the evening. In spite of the community of goods, the first year with its crowding brought much suffering; the funds of the society were depleted by the expenses of the great journey for so many people, and by the expenditures for land.

With the coming of spring in 1847, the settlement became a hive of industry. Adobe bricks were made, a new saw-mill was erected, better houses were built, and more land was bought to accommodate the new arrivals. By 1850 the community owned fourteen hundred acres of land, nearly free from debt. The religious or economic attractiveness of the colony is evidenced by the fact that its population in 1851 reached the considerable figure of about eleven hundred,[28] nearly one-third of the total population of Henry County, notwithstanding a schism in 1848 whose centrifugal force drove upwards of 200 from the fold, and notwithstanding the epidemic of cholera in 1849 which claimed 150 victims. Among these hundreds were representatives of almost every province in Sweden.

[28]Swainson puts the number of seceders at 250, and asserts that they were drawn off by Jonas Hedström, the Methodist. *Scandinavia*, Jan., 1885. Mikkelsen, *The Bishop Hill Colony*, 33, 35, 37.

The communistic principle worked well, at least in the first years, in spite of the severity of the religious discipline. The land was thoroughly cultivated. The growing of flax became a prominent factor in the prosperity of the colony, and from this crop were made linen and carpeting which found a ready market, the product of the looms reaching 30,579 yards in 1851.[29]

The death of Eric Janson by the hands of a Swedish adventurer, John Root (or Rooth), with whom he had a quarrel of long standing, removed the prophet and builder of this New Jerusalem, but did not seriously interrupt its development. In fact it might be said to have been a benefit to the colony, for Janson was not a careful and skilful man of business, and he had involved the community in debt. To relieve this pressure of obligation, Jonas Olson, Janson's right-hand man, was sent out with eight others, in March, 1851, to seek a fortune in the California gold fields.[30]

The period of which this chapter treats ends with 1850; but inasmuch as that year marks no break in the history of Bishop Hill, it will be well here to finish the sketch of the development of that colony. On learning of the death of Janson, Olson returned at once from California and became the head of the colony after February, 1851. Improvements immediately followed; the government, which had been autocratic or theoretically theocratic, became more and more democratic under Olson. Finally, as a completion of this broadening evolution, an act of the Illinois legislature of 1853 incorporated the Bishop Hill Colony, and vested the government in a board of seven trustees who were to hold for life or during good behavior, their successors to be elected by the community.[31]

The trustees were from the first afflicted with a speculative mania, and invested in all sorts of enterprises—in grain, in lumber, in Galva town lots, in railroad and bank

[29]Johnson and Peterson, *Svenskarne i Illinois*, 335.

[30]*Ibid.*, 39.

[31]Act of January 17, 1853. The Charter and Bylaws are reprinted in Mikkelsen, *The Bishop Hill Colony*, 73 ff. (App.).

stock, and in a porkpacking establishment. Disaster after disaster followed between 1854 and 1857, when a general panic prostrated the industries of the country. The climax of the reckless mismanagement of the Colony came in 1860, and the corporation went into the hands of a receiver, only to get deeper and deeper into financial and legal troubles. Individualization of property took place in 1861, when $592,798 was distributed among 415 shareholders, and other property to the value of $248,861 was set aside to pay an indebtedness of about $118,000.[32] The last traces of communism were gone, and with the disappearance of communism went also the old religious tenets peculiar to the faith. The majority of the Jansonists joined the Methodist communion; even Jonas Olson deserted and became "an independent Second [Seventh?] Day Adventist."[33]

Difficulties continued, however, for Olof Johnson, the chief offending trustee, secured his appointment as one of the receivers. Assessment followed assessment, and when the totals were footed up the chicanery of trustees and receivers was made clear: to pay an original debt of $118,403, these ill-fated people of the Bishop Hill Colony actually expended in cash $413,124, and in property $259,786, or an aggregate of $672,910.[34] Of course a lawsuit was begun, and the "Colony Case" dragged along in the courts for twelve years, to be finally settled by compromise in 1879, nine years after the death of Olof Johnson.[35]

Besides the numerous companies which went to Bishop Hill, many others between 1846 and 1850 sought different localities in the United States.[36] Some remained in Chicago; some built homes in Andover, Illinois; others began the large Swedish settlement in Jamestown, New York;

[32]Johnson and Peterson, *Svenskarne i Illinois*, 44 ff.

[33]Mikkelsen, *The Bishop Hill Colony*, 71.

[34]Johnson and Peterson, *Svenskarne i Illinois*, 49-52.

[35]The special master in chancery found in 1868 that Olof Johnson was indebted to the Colony in the sum of $109,613.29. Mikkelsen, *The Bishop Hill Colony*, 68.

[36]Norelius, *Svenskarnes Historia*, 30-38.

while still others were persuaded to go to Texas, thus beginning the only considerable permanent settlement of Scandinavians in the Southern States before 1880, with the exception of settlements in Missouri. During these years, knowledge of the prosperous condition of the immigrants was spreading, in the usual fashion, into every province of Sweden; Småland, Helsingland, Dalarne, and Östergötland, were especially affected. Not merely were Jansonists and dissenters moved to emigrate, but men of the Established Church as well; a Jansonist's word in matters of faith, Scriptural interpretation, and religious practice was worse than worthless to staunch Lutherans, but there was no reason to doubt the accuracy of his statements regarding land, wages, prices, and opportunities in Illinois or Iowa. Even Lutheran clergymen began to lead little companies of their adherents to the "States," and no one considered it a mortal sin or eternal danger to follow in the footsteps of worldly-wise heretics.[37]

[37] Norelius, *Svenskarnes Historia*, 34.

CHAPTER VI.

The Danish Immigration.

The Danish immigration began much later than the Norwegian and Swedish, and its proportions were inconsiderable until after the Civil War. Not until 1869 did the annual influx of Danes reach 2,000. Tho the population of Denmark was and is somewhat greater than Norway's, yet the Danish immigration has never in any one year equalled the Norwegian, and in but seven years has it been more than one-half. As against Norway's total of nearly 600,000 from 1820 to 1905, Denmark's is only about 225,000.[1] In calculating the immigration, however, a large allowance must be made. Since the duchies of Schleswig and Holstein were acquired by Prussia in 1864 and 1866, their emigrants have of course been recorded as German. Nevertheless, taken as a whole, the movement from Denmark has lacked momentum; its proportions are relatively small; and the influence of the Danes in the United States is much less important than that of either of the other Scandinavian nationalities.

The causes of the smaller emigration from Denmark are to be found in the nature of the people and in the conditions of the kingdom itself. Generally speaking, the Danes are not highly enterprising, adventurous, or self-confident; instead of daring all and risking all for possible, even probable, advantage, they remain at home, for,

"Striving to better, oft we do mar what's well."

Want is practically unknown in Denmark outside the slums of Copenhagen. The condition of the common people has steadily improved since the beginning of the nineteenth century, when nearly all the land was in the hands of the nobility; at the present time, six-sevenths is owned by the peasants. While this change has been going on, another, of even greater significance, has taken place.

[1] See the tables in Appendix.

Improved methods of cultivation, in the course of a hundred years, have multiplied the productive power of the land by ten, which is equivalent to increasing tenfold the available area of the kingdom. No nation, except the United States and Canada, has in recent times had such agricultural prosperity.[2]

As already noted, the activity of the Mormon missionaries drew off into the wilderness of Utah nearly 2000 Danes between 1850 and 1860, and nearly 5000 more in the next decade. In the two Prussian duchies after 1866, the discontent of Danes who preferred emigration to German rule drove a large number to the United States; and as these were far from being sympathizers with Mormonism, they found homes in the middle west. Settlements sprang up after 1870 in Wisconsin, at Racine; in Iowa, at Elk Horn in Shelby County and in the adjoining counties of Audubon and Pottawatomie; and in Douglas County (Omaha), Nebraska, just across the line from Pottawatomie County, Iowa. It should be noted in this connection that all the Danish settlements save those in Utah, were well within the frontier line, and hence are not to be classed as pioneering work, for which the Danes have shown little inclination.

The efforts of the Danish Evangelical Lutheran Church in America, organized at Neenah, Wisconsin, in 1872, have been several times directed deliberately to the organization of new Danish colonies, always, of course, with a view to strengthening the church or to carrying out some of its peculiar ideas. Of the four colonies,—in Shelby County, Iowa, in Lincoln County, Minnesota, in Clark County, Wisconsin, and in Wharton County, Texas,—that in Iowa is the most noteworthy and successful. Soon after 1880, the church secured an option on a tract of 35,000 acres in Shelby County from a land company. In return for 320 acres to be given by the company to the church for religious and educational purposes when one hundred actual settlers were secured, the church promised to use

[2]Bille, *History of the Danes in America,* 8 n2, summarizing H. Weitemeyer, *Denmark,* 100.

its influence to secure settlers for the whole tract. The company agreed for three years time to sell only to Danes at an average price of $7 per acre, for the first year, with an advance not exceeding $.50 per year for each following year. The end of the first year found more than the required number of settlers, the church received its grant, and still maintains its worship, a parochial school, and a high school, in a community which numbers about 1,000 Danes. The other colonies have been less successful.[3]

The Danish element in America has always lacked unity and solidarity. Even in their European home the Danes possess no strong national ambition, and no national institution claims their enthusiastic and undivided support. The Danish church, or churches, has gripped its immigrant sons and daughters less closely than similar organizations among the Swedes and Norwegians. It is estimated that only one out of fifteen of the Danes in the United States belongs to some church, while one out of five of the Swedes, one out of three and one-half of the Norwegians, and one out of three of the total population of the country, is connected with an ecclesiastical organization.[4]

One reason for the low ebb of church influence among the Danes is undoubtedly the wranglings of the clergy over matters of theology and polity, a continuation of the factional differences between the followers of Bishop Grundtvig and the anti-Grundtvigians or Inner Mission people in the years 1854-1895. In its beginning, the Danish Lutheran Church in America unanimously adopted this resolution: "We, the Danish ministers and congregations, hereby declare ourselves to be a branch of the Danish National Church, a missionary department established by that church in America."[5] The government of Denmark

[3]Bille, *History of the Danes in America*, 26-28; A. Dan, "History of the Danish Evangelical Lutheran Church in America," in Nelson, *History of the Scandinavians*, I, 166-171.

[4]Nelson, *History of the Scandinavians*, II, 49.

[5]Bille, *History of the Danes in Amerika*, 18.

recognized this relation; graduates of the University of Copenhagen, who received calls to churches in America, were ordained by a bishop in Denmark, and were appointed by the King as regular ministers in the Danish Church; and since 1884 the Danish Government has made a small annual appropriation for the education of ministers for the American branch of the Danish Church. This allowance was at first spent in Denmark, but since 1887, in the United States.[6] But with all this effort at maintaining unity and continuity, the American branch has not been united, peaceable or effective.

If the test of supporting educational institutions for their own people be applied to the Danes, the same deficiency of interest and contributions as in matters ecclesiastical, will be revealed. The attempt of the Grundtvigians to set up the peculiar "high schools" which they maintained in Denmark, for instruction of the common people in Scandinavian history, mythology, religion, language, and literature, all in Danish, was doomed to failure.[7] The first of these schools was located at Elk Horn, Iowa, in the midst of the largest Danish settlement in the United States, yet in the fifteen years after its establishment in 1878 the average attendance never reached forty. Four other schools, in Ashland, Michigan, in Nysted, Nebraska, in Polk County, Wisconsin, and in Lincoln County, Minnesota, all established between 1878 and 1888, suffered from like indifference and lack of financial help; not one averaged thirty pupils per year. Aside from tuition, the contributions of the Danes for educational purposes did not reach fifty cents per communicant during any consecutive five years up to 1894.[8] This is a poor showing alongside the three dollars per communicant contributed by the Norwegians when they were building Decorah College in 1861 to 1865.[9]

[6]Bille, *History of the Danes in America,* 18n. The appropriation was $840 per year.

[7]*Ibid.,* 21; *Kirkelig Samler,* 1878, 320.

[8]Bille, *History of the Danes in America,* 16.

[9]Bille, *History of the Danes in America,* 15; Estrem, "Historical Review of Luther College," in Nelson, *History of the Scandinavians,* II, 24.

CHAPTER VII.

A Half Century of Expansion and Distribution, 1850-1900.

While the immigration movement from Norway and Sweden was well-established by 1850, and certain to expand, it was numerically unimportant when compared with that from some other countries of Europe. In 1849 the influx from all Scandinavia was slightly more than one per-cent of the total immigration from Europe. Yet the rising stream had, by 1850, worn for itself a clear and definite channel from eastern ports like New York and Boston to such gateways to the Northwest as Chicago and Milwaukee; and through these it continued to flow out over the wilderness of the upper Mississippi Valley extending north of the Missouri and Illinois Rivers and west of the Great Lakes. For more than a half century there have been relatively few variations from this course, tho in the later decades, with an increase in the proportion of skilled laborers among the incoming thousands, certain eastern cities have detained a considerable percentage.

No other marked change in the character and quality of the immigrants has developed since 1850, nor have any new motives appeared, except in the case of the Danes, to be discussed later. In a word, the Scandinavian immigration since 1850 is simply the earlier Scandinavian immigration enlarged in numbers, with broader and deeper significance. The areas of interest in emigration in Europe gradually extended to every part and every class of the three Northern kingdoms; and the localities attractive to Scandinavians in the United States, expanded until eight contiguous States in the Old Northwest and the Newer Northwest showed each a foreign-born population of Northmen numbering more than thirty thousand. In the State of Minnesota they now reach close to a quarter of a million.[1]

[1]After 1850 the book of Frederika Bremer, *Homes of the New World*, is credited with large influence in Sweden among the better classes. See McDowell, "The New Scandinavia", *Scandinavia*, Nos. 5-8.

The total recorded Scandinavian immigration, according to the statistics of the United States, from 1820 to 1912, is in round numbers 2,200,000. According to the statistics of Norway, Sweden, and Denmark, which may be disregarded for inaccuracy before 1850, the total falls about 142,000 short of this figure, a difference which may be easily enough accounted for by persons leaving those countries for a more or less indefinite stay in other parts of Europe, before starting for America.[2] The American statistics in later years have sometimes shown larger numbers than the Swedish, but the discrepancy is accounted for by the fact that a great number of emigrants from Finland have passed through Sweden on their way to America and therefore are counted as Swedes.[3] The totals by decades with the percentages of the whole immigration for the decades, is as follows:[4]

	Denmark	Norway	Sweden	Total Sc.	Per cent of immig.
1820-1830	189		91	280	.2
1831-1840	1,063		1,201	2,264	.4
1841-1850	539		13,903	14,442	.8
1851-1860	3,749		20,931	24,680	.9
1861-1870	17,094		109,298	126,392	5.2
1871-1880	31,771	94,823	115,922	242,516	8.6
1881-1890	88,132	176,586	391,733	656,451	12.5
1891-1900	52,670	95,264	230,679	378,613	9.8
1901-1910	65,285	190,505	249,534	505,524	5.7

[2]Nelson in his *History of the Scandinavians*, I, 253 ff., gives some careful and excellent tables of statistics compiled from official publications of the United States and of the three Scandinavian kingdoms. Too much reliance should not be put upon the earlier figures derived from either source. It will also be noted that the European figures are in many cases given in even fifties and hundreds, which savors of estimates rather than of exact statistics. Nelson, p. 244, declares that these foreign statistics, so far as they go, are more reliable than the American.

[3]Sundbärg, *Sweden* (English Translation), 132; Sundbärg, *Bidrag till Utvandringsfrågan från Befolkningsstatistisk Synpunkt*, 34 ff.

[4]The statistics of Norwegian and Swedish immigration were combined down to 1868, but for convenience here the combination is continued to the end of the decade. Statistical Abstract of the U. S. (1912), 110.

The fluctuations of the annual immigration have been very great, as an inspection of the accompanying chart and the tables in Appendix I, will readily show. The addition of other lines to this chart indicating the fluctuations in the numbers of immigrants from Germany and Ireland, demonstrates that these rather striking variations were chiefly caused by conditions and prospects in America, rather than by circumstances in Europe. In 1849 the total immigration of Norwegians and Swedes passed 2,000, and even reached 3,400, but the terrible scourge of cholera in that year under which so many of the Scandinavians in the West fell, caused a falling off of more than half in 1850. After the panic of 1857, the Danish immigration fell from 1,035 to 252 in one year, while the total from the Northern lands fell steadily from 2,747 to 840 in 1860.

The Civil War disturbed comparatively little the conditions favoring Scandinavian immigration, for the Northwest was never in danger of invasion, and nominal prices for farm produce ranged higher and higher. Furthermore, the Homestead Act of 1862 gave new and cumulative impetus to the immigration which sought farming lands.[5] So from a total of 850 in 1861 (the statistics of Norway show 8,900 emigrants for that year, and those of Sweden, 1,087), the numbers gradually increased, in spite of the war, to 7,258 in 1865. The panic of 1873 did not affect the Scandinavian movement so immediately and seriously as might at first thought be expected, probably because the Northmen were seeking farms in the West, and also because the farmers as a class are about the last to feel the effects of financial crises like that of 1873. As the depression deepened, letters from America to Northern Europe lost their tone of buoyancy and enthusiasm; the eastward flow of passage-money and prepaid tickets almost ceased. At the same time a series of good crops in the three Scandinavian countries caused a rise of wages about 1873, doubling them in some instances.[6] Consequently the current

[5] *United States Statutes at Large* (1861-2), 392 ff.

[6] Young, *Labor in Europe and America*, 676.—quoting and summarizing from a report to the Secretary of State by C. C. Andrews, United States Minister to Sweden, Sept. 24, 1873.

of immigration lost force and volume for several years, the totals dropping, in round numbers, from 35,000 in 1873, to 19,000 in 1874, and to 11,000 in 1877.

After the high-water mark of 105,326 in 1882, reached during the revival of business from 1879 to 1884, the totals did not again fall below 40,000 Scandinavian immigrants per year, until after the industrial and financial stagnation of 1893 to 1896; 62,000 in 1893 became 33,000 in 1894, and 19,000 in 1898. With the prosperity of the first years of the new century in the United States, the number again passed 50,000, reaching another climax in the 77,000 of 1903.

In general, the variations of the curves for the three nationalities under discussion have been nearly co-incident, as for example the high points in 1873 and 1882, and the low points in 1877, 1885, and 1898. The Danish immigration did not rise proportionately with the other two, especially in 1903, probably because of the democratizing of land-ownership in Denmark, and because of the remarkable improvement in methods of cultivation in the course of the nineteenth century.[7] No such decided improvements took place in the other peninsular kingdoms.

Another feature of the fluctuation is entitled to some consideration. In proportion to the population of those nations, the emigration from Norway and Sweden since 1870 has been very large, and such drafts as were made in the years 1882 or 1903 could not be expected to keep up. The periodicity of the ripening of a good "crop" of eligible emigrants for the great American West seems to have been since 1877 from five to eight years. In this connection it is a noteworthy fact that the population in each of the Scandinavian kingdoms, notwithstanding the great emigrations, has steadily tho slowly increased since 1850.[8] For

[7] J. H. Bille, "History of the Danes in America", *Transactions of the Wis. Acad. of Sciences, Arts, and Letters,* IX, 8 n., citing H. Weitemeyer, *Denmark,* 100.

[8] For Denmark, the increase has been about 1% per year since 1870; Sweden shows a slightly smaller increase, falling as low as ¼% in 1890; Norway has a still smaller average increase than Sweden, estimated by Norwegian authority "1865-1890, .65%". The same writer adds: "The

the last decade of the nineteenth century, the figures for the increase were, Denmark, 16.6%, Norway, 10.6%, Sweden 7.3%, United States 20%.[9] In this statistical distribution, account must also be taken of the Scandinavians of the second generation, born in this country of foreign-born parents, since this element, racially speaking, is just as much an alien stock, with its inheritance of tendencies, temperament, and passions, as were the original immigrants. The census of 1910 enumerated among the foreign-born and the native-born of specified foreign parents:[10]

	Foreign-born white	Native white having both parents born in specified country	Total
Danes	181,621	147,648	329,269
Norwegians	403,858	410,951	814,809
Swedes	665,183	546,788	1,211,971
	1,250,662	1,105,387	2,356,049

To these must be added still another group, made up of those persons having a father born in Norway, Sweden, or Denmark, and a mother born in one of the other two countries, in other words, persons of pure Scandinavian descent. The number of such in 1910 was 72,152. It does not include, be it noted, those persons of equally pure Norse blood whose parents, one or both, were born in the United States. The minimum number of Scandinavians, then, in the United States in 1910, who must be taken into account in all calculations and estimates of power and influence exercised by that factor of the population, is 2,428,201. If it were desired to bring the estimate up to date, the immigration of 1910-1913 and an approximation of the increase of the native-born, would have to be in-

Norwegian race, in the course of the fifty years from 1840 to 1890 must have about doubled itself, which is equivalent to an annual growth of about 1.4%." *Norway*, 103; *Statesman's Year-Book*, 1900, 491, 1047, 1050.

[9] *Supplementary Analysis of 12th Census*, 31-33.

[10] These figures are drawn from the tables in the *Census Reports, 1910, Population*, I, 875 ff. The statistics generally deal only with white persons, thus excluding blacks and mulattoes of the Danish West Indies.

cluded, and the grand total of persons of pure Northern stock would not be far from 2,700,000 at the present time (1913).

The distribution of this vast company to the different States of the Union is a consideration of primary importance. The detailed analysis of the motives, processes, and results of the occupation of the Northwestern States by the children of the Northlands, belongs in later chapters.[11] The reasons why the stream flowed to the north of Mason and Dixon's Line are a combination of climate and a fear and hatred of slavery. If the movement from Scandinavia had begun fifty years earlier, before the anti-slavery agitation became acute, the New Norway and the New Sweden of the nineteenth century, would doubtless still have been in the North and probably in Ohio, Indiana, and Michigan, for very much the same reason that the Western Reserve was a New Connecticut.

Desiring ownership of good agricultural land above all else, and finding after 1835 that the best and cheapest was to be found along the advancing frontier west of a north-and-south line drawn through Chicago, the men from Norway, Sweden, and Denmark followed their distant cousins of New England and the Middle States in the great trek into the Any-Man's-Land of the fertile upper Mississippi Valley.[12] For more than two decades after the Civil War, tho slavery no longer existed in the South, that region was still in the depression and uncertainty of the post-bellum industrial disorganization, and hence unattractive to immigrants of any class. So the tide continued to run high in the Northwest and spread wider and wider because of the traditions of two generations, and because of the attracting power of the Scandinavian mass already comfortably and solidly settled there.

[11]See chapters VIII-X.

[12]The "line which limits the average density of 2 to a square mile, is considered as the limit of settlement—the frontier line of population". *Eleventh Census, Report on Population,* I, xviii. See R. Mayo-Smith in *Political Science Quarterly,* III, 52.

The first States of the Northwest into which the Norwegians and Swedes penetrated, as has been described above, were Illinois and Wisconsin; and in the censuses of 1850 and 1860 Wisconsin held first place in the number of these aliens, showing an increase from 8,885 to 23,265.[13] In 1850, Iowa, in the "far west," ranked fourth, with 611. Minnesota, which then stretched away to the Rocky Mountains, had 4 Swedes, 7 Norwegians, and 1 Dane.[14] By 1860 Iowa was passed by Minnesota which then had 11,773, and thenceforward the Scandinavians were to keep close step with the westward march of the frontier. In 1870 Minnesota took first place, with 58,837, a position which the State has continued to hold. In 1890 she had within her borders 236,670 foreign-born Northmen, and enough of the second generation to make her Scandinavian population 466,365, or about one-fifth that of Denmark or Norway. The order of Minnesota, Wisconsin, Illinois, and Iowa held good for 1870 and 1880, but Wisconsin and Illinois changed places in the reports of 1890 and 1900. The Dakotas, as one Territory, received their first Norse settler in 1858, but when the census of 1880 was taken there were 17,869, and in 1890, when the Territory was divided into two States, the Scandinavian contingent was more than 65,000 strong.[15] Nebraska illustrated in a similar manner the widening overflow of the steady stream out of the European North; her population of Scandinavian birth which numbered only 3,987 in 1870, grew by direct entry of immigrants, and by the secondary movement of early immigrants out of the middle Northwest, to 16,685 in 1880, and to 40,107 of foreign-born in 1900. According to this last census, Nebraska counted 38,914 native persons of foreign-born Scandinavian parents, showing that the second generation did not fall much behind the first in the habit of frontier-seeking.[16]

In the rush of gold-seekers into California after 1848 were many Danes and Swedes, who gave that State in 1860

[13]For the tables illustrating this discussion, see Appendix.

[14]Gronberger, *Svenskarne i St. Croixdalen*, 3 ff.

[15]Sparks, *History of Winneshiek County, Iowa*, III.

[16]See Appendix I.

fifth rank as to the number of Scandinavians; by 1890 these numbered about 42,000, of whom the greater part were of the two nationalities just named. Another frontier region which gained from the Danish immigration between 1850 and 1860 was the Territory of Utah, for the Mormon missionaries seem to have been particularly successful in Denmark, and nearly every convert became an immigrant. Quite in advance of their invasion of Dakota, more than 2,000 Danes had settled in the Mormon Territory, and ten years later Utah counted nearly twice as many Scandinavians as Nebraska, seven-tenths being Danes.

The increasing density of this Scandinavian population in certain localities,—what might be called its vertical distribution—is strikingly illustrated in both urban and rural communities. Chicago had barely emerged from the Fort Dearborn stage when the first Scandinavians walked its streets. Yet within two generations there were found inside of her wide-stretching borders more than 100,000 Swedes, Norwegians, and Danes of foreign birth, and enough of the second generation to give her more than 190,000, so that the city at the head of Lake Michigan was next after Copenhagen, Stockholm, and Christiania,—the largest Scandinavian city in the world.[17] By a similar calculation, Minneapolis would rank sixth or seventh.

Rockford, Illinois, received the first of its signally prosperous Swedish colony about 1853; by 1865 the city had 2,000 Swedes.[18] The census of 1910 credits Rockford with 10,000 foreign born Swedes, and a total of Swedish parentage reaching close to 19,000. One of the west-central counties of Minnesota, Otter Tail, counted (1900) more than half of its 45,000 population of pure Scandinavian blood of the first and second generation of immigrants. Polk county, newer and farther north in the same State, reveals almost sixty per-cent of the same sort of population in a total of 35,000. For some of the still newer and more

[17] *Svenska Folkets Tidning,* Jan. 1, 1896, estimated the totals as follows: Swedes, 100,000, Norwegians, 62,000, and Danes, 35,000!

[18] Kæding, *Rockfords Svenskar, 27, 35.*

sparsely settled counties even larger percentages might be obtained.

A closer analysis of the tables of population reveals some further facts as to the distribution of the different nationalities. The Swedes are the most numerous in Minnesota, Illinois, Iowa, Michigan, Nebraska, and Kansas; the Norwegians predominate in Wisconsin, North Dakota, and South Dakota, and nearly equal the Swedes in Minnesota where each passes 200,000. The Danes are strongest—they can hardly be called a very important factor in any State—in Iowa, Minnesota, Wisconsin, Illinois, and Nebraska; in each State they have more than 25,000. Another feature of this varying density of the three groups has to do with the cities. Chicago, Rockford, Minneapolis, St. Paul, and Duluth account for a large proportion of the Swedes of Illinois and Minnesota, and represent the later rather than the earlier stages of distribution. Outside of the cities mentioned, the Norwegians in Minnesota outnumber the Swedes by some 52,000. In North Dakota, the Norwegians are 72% of the foreign-born Scandinavian population, in South Dakota, 56%, and in Wisconsin, 60%, while in Illinois the Swedes are about 70%, and in Michigan and Nebraska, 63% and 59% respectively. The Danes reach their highest percentages of the Scandinavian foreign-born in Utah, 50%, in Nebraska, 34%, and in Iowa, 23%. Large numbers of the later immigrants, especially of the skilled Swedish laborers, have found occupation in New York and Brooklyn, Boston and Worcester, Hartford and Providence. These have raised the proportion of the Swedes in the United States living in cities of more than 25,000, to 36%, while only 28% of the Danes, and 19% of the Norwegians were similarly located in 1900.[19]

Climate, particularly the mean temperature, has also played considerable part in the choice by the immigrants from Northern Europe of the sites for their new homes, though it is an open question whether they would not have been established where they were and when they were

[19] *Census Reports, 1900, Population,* I, Tables 33 and 35.

even if the climate were different. Certain it is that the few Icelandic settlements are situated in the extreme northern part of Minnesota and North Dakota, and in Southern Manitoba.[20] South of them come, in order, the zones of densest Norwegian population, 49° to 42°, of the Swedish, 48° to 40°, and of Danish, 44° to 38°. The three nationalities thus occupy relatively the same latitudinal position in America as in their homes in the Old North.[21]

Summarizing the matter of location, the great bulk of the Scandinavian immigrants went into the Northwest, 78% of them during the first fifty years of the movement, and about 70% of the total. Out of the immigration of the different nationalities, 81% of the Norwegians are in the Northwest, 60% of the Danes, and 59% of the Swedes, the percentage of the last being brought down, in comparison with the Norwegians, by the fact that nearly 100,000 Swedes are found in Massachusetts, New York, and Pennsylvania.

The Civil War occurred before the numbers and expansion of the Norse element of the country's population had much passed a promising beginning; the 75,000 present in 1860 could not be expected to play any large and leading rôle. Yet the one dramatic and heroic chapter in the whole story of the progress of the Scandinavians in America is that dealing with their part in that great struggle, in which many hundreds of them gave their strength and their lives for the unity and safety of their adopted country no less bravely and no less cheerfully than did the native-born American. The men from Thelemark and Smaaland and the sons of Massachusetts and Michigan were inspired by the same fine and pure motives; they hated slavery and loved

[20]These are of course enumerated as Danes. Pembina County, in the extreme northeast corner of North Dakota had in 1900 1588 Danes (Icelanders). The movement from Iceland began about 1870. See R. B. Anderson in *Chicago Record Herald,* Aug. 21, 1901.

[21]G. T. Flom, "The Scandinavian Factor in the American Population", *Iowa Journal of History and Politics,* III, 88.

[22]*Statistical Atlas of the Twelfth Census,* Plates 69, 71, 73, 76; *Iowa Journal of History and Politics,* III, 76.

the flag under whose folds they realized their hopes and dreams.[23] By temperament, by religion, by education, by tradition, men of Norse parentage were fitted to participate in upholding a cause so essentially right and high.

In the short space of this volume, details of the loyal services of companies made up wholly or in large part of Swedes and Norwegians must be omitted, and the laurels won by such men as General Stohlbrand, who was made a brigadier by President Lincoln himself,[24] Colonel H. C. Heg,[25] Colonel Mattson,[26] and Lieutenant Colonel Porter C. Olson,[27] must be passed by with mere allusions.

The Fifteenth Wisconsin Regiment of Volunteers, consisting of about 900 men, whose organization was decided upon at a mass meeting held in the Capitol at Madison, in September, 1861, was made up almost entirely of Norwegians and Swedes, some of whom had been in the United States less than a year. Hans C. Heg, one of the early leaders of the Norwegian immigration into Wisconsin, was appointed colonel of the regiment and began organization at Camp Randall, near Madison, in the following December.[28] The roster of officers indicates plainly their origin, including such names as Rev. C. L. Clausen, Thorkildson, Hansen, Grinager, Skofstad, Ingmundson, Tjentland, and Solberg.[29] The regiment left for the front in March, 1862, and participated in the operations of the next three years in Kentucky, Tennessee and northern Georgia. It was mustered out at Chattanooga in February, 1865, having lost about 300, quite one-third of its total enlistment, from

[23]Mattson, *Story of an Emigrant,* 60, 94. Here is printed, in translation from *Hemlandet,* a stirring appeal "To the Scandinavians of Minnesota!;" *Fædrelandet og Emigranten,* September 29, 1870.

[24]Osborn, "Personal Memories of Brig. Gen. C. J. Stolbrand", *Year-Book of the Swedish Historical Society of America,* 1909-10, 5-16.

[25]Dietrichson, *Det Femtende Wisconsin Regiments Historie,* 26.

[26]Mattson, *Story of an Emigrant,* 59-93.

[27]Anderson, *Norwegian Immigration,* 112-127.

[28]Enander, *Borgerkrigen i de Forenede Stater,* 106; Dietrichson, *Det Femtende Wisconsin Regiments Historie,* ch. i.

[29]Dietrichson, "The Fifteenth Wisconsin, or Scandinavian, Regiment," *Scandinavia,* I, 297 ff.

deaths in battle or in the hospitals, including Colonel Heg, who was killed at Chickamauga.[30] Its record is summed up by the military historian of Wisconsin who states that it was "one of the bravest and most efficient regiments that Wisconsin sent to the field."[31]

Besides this Scandinavian regiment, there were several others in which the Norse element was large. Company C of the 43d Illinois Regiment was made up of Swedes, serving under Captain Arosenius. It was organized in the spring of 1862 and mustered out in the fall of 1865, with an honorable record of services faithfully and uncomplainingly performed.[32] Company D of the 57th Illinois Regiment, which served from the autumn of 1861 to July, 1864,[33] and Company D of the 3d Minnesota Regiment, which was mustered in at about the same time,[34] were composed of Scandinavians. A sprinkling of Swedes, Norwegians, and Danes appears in the lists of many of the regiments of Illinois, Wisconsin, and Minnesota, and many of these men rose to the ranks of commissioned officers.[35] The Adjutant General of Minnesota in 1866 estimated that of the enlistments from that State, at least 800 were Norwegians, 675 Swedes, and 25 Danes. "In numerous instances the nativity of the soldiers is omitted; and it is not easy to count correctly all the names in such publications; hence it is fair to estimate that 2,000 Scandinavians from Minnesota enlisted under the Stars and Stripes. . . . One-eighth of the total population of the State enlisted under the Union flag; while at the same time one out of every six Scandinavians in Minnesota, as well as in Wisconsin, fought for his adopted country."[36]

[30]Nelson, *History of Scandinavians*, I, 166.

[31]Quiner, *The Military History of Wisconsin* (ch. xxiii, "Regimental Histories—15th Infantry"), 631.

[32]Johnson and Peterson, *Svenskarne i Illinois*, 143-149.

[33]*Ibid.*, 155-161.

[34]Mattson, *The Story of an Emigrant*, 59-93.

[35]*Ibid.*, 62.

[36]*Annual Report of the Adjutant General of Minnesota*, 1866, 11; Nelson, *History of the Scandinavians*, I, 303-304. Similar figures for Iowa are in Nelson, II, 67.

Everywhere the story of their services in the army is creditable, and it is not strange that the survivors are proud of their war records as the badge of loyal Americanism. They did not go into the war for mere love of adventure, nor for love of fighting, for men in large numbers do not leave their families and their half-developed farms for flimsy and temporary reasons. They loved the new country they had made their own, with a love that was measurable in the high terms of sacrifice, even to the shedding of blood and to death. The stock out of which Gustavus Adolphus made brave and effective soldiers had not degenerated through lapse of time nor through transplanting.

Though John Ericsson was in no wise connected with the regular Swedish immigration movement, nor with Swedish settlement in the Northwest, the United States owes him too large a debt for what has sometimes been called the salvation of the Union through the agency of his "Monitor", to warrant the omission of his name from among those Swedes who served American freedom during the Civil War.[37]

[37]Church, *Life of John Ericsson.*

CHAPTER VIII.

Economic Forces at Work.

In the many monographs and more pretentious works dealing with various phases of the economic history of the United States, much attention has been given to the tariff, manufacturing, banking, currency, transportation, and public lands. Only recently have the economic results of immigration begun to receive the attention which their importance deserves. For a long time the excellent work of Professor Richmond Mayo-Smith, *Emigration and Immigration* (1890), notable for the strength and breadth of its general treatment, was quite alone in its field. Mere statistical studies no longer suffice, and just as the census-taking of the Federal Government has changed from the simple, old-fashioned inventory of numbers—so many heads, black and white, native-born and foreign-born—to an elaborate investigation of the life problem of the population, so the meaning of immigration as a whole, and of Scandinavian immigration in particular, requires a discussion extending beyond annual and decennial statistics and maps of the density of settlement.

In the economic development of the Northwest, as compared with the history of the Eastern, Middle, or Southern States during the nineteenth century, the three principal topics are immigration, the Federal land policy, and improvements in transportation. In a peculiar manner the last two subjects are interwoven with the story of the Norwegians, Swedes, and Danes in America. When people by the hundreds of thousands were settled in the West, when commerce and manufacturing arose upon the sound basis of a prospering agriculture, then and not till then, protection, currency, and bimetallism might be accepted as real and immediate issues.

The Scandinavian immigrants along the frontiers, like the other pioneers all through the prairie west, were from

the first vitally interested in securing some form of cheap transportation of the produce of the farms to a good market; railroads were indispensable to the development of the agricultural areas of the Great West. Western Pennsylvania might find profit in 1794 in shipping the quintessence of its agriculture across the mountains in demijohns; the cattlemen of the South and Southwest might drive their products to market on the hoof; but at the very best these were exceptional, inelastic, and primitive methods. Many pioneer Norwegians and Swedes in Minnesota and Iowa were obliged to carry their wheat and corn forty and fifty miles to have it ground for their families, but they could not hope to haul any great amount of ordinary farm produce over the abominable roads of the West for a distance greater than forty miles and make a profit.[1] Without the hope of railroads, the vast stretches of cereal-producing land in the trans-Mississippi would long have remained virgin soil. Yet without assurance that population would rapidly increase in numbers and in complexity of life, thus giving a large traffic in both directions, no railroad company would build out into the thinly settled area.[2]

Broadly speaking, then, the real problem of the Northwestern frontier after 1850 was: how to put more and ever more men of capacity, endurance, strength, and adaptability into the upper Mississippi and Red River valleys, men who first break up the prairie sod, clear the brush off the slopes, drain the marshes, build the railroads, and do

[1] *Fædrelandet og Emigranten,* July 21, 1870; interview in 1890 with the Rev. U. V. Koren, the first Norwegian Lutheran minister permanently located west of the Mississippi. Miss Bremer in October, 1850, described the road over which the early settlers in Wisconsin went 30 and 40 miles to market: "the newborn roads of Wisconsin, which are no roads at all, but a succession of hills and holes and water pools in which first one wheel sank and then the other, while the opposite one stood high up in the air. . . . To me, that mode of travelling seemed really incredible. . . . They comforted me by telling me that the diligence was not in the habit of being upset very often!" *Homes of the New World,* II, 235-236.

[2] It was on faith in the future of the northern zone of the Northwest, based upon observation, that the Great Northern Railroad was built without any land-grant or subsidy such as the Northern Pacific and other roads demanded and got.

the thousands and one hard jobs incident to pioneer life, and then turn to the building of factories and towns and cities. Not every sort of man who could hold a plow or wield a hoe would do: Chinese coolies, for example, would hardly be considered desirable, even with all their capacity for hard work, persistence, and patience. Furthermore, it is plain now, that the West could not have looked to the Eastern States alone to send out an industrial army sufficient in numbers and spirit for the conquest of the new empire and the extraction of its varied resources at the desired speed. The demands were too severe, the rewards too remote and uncertain for the average prosperous native-born citizen. The aliens from the western side of the Atlantic, as it were by regiments and battalions, must re-enforce the companies westward-bound from the older States; in such a situation the Scandinavians were all but indispensable to rapid material progress in the Northwest after the middle of the last century.

It is not easy to realize how attractive to the Northland immigrants were the broad, level lands of the West, to be had from the United States Government on the easiest of terms, both before and after the passage of the Homestead Act of 1862. Scarcely in their dreams had they conceived of soil so fertile, so readily tilled, and so cheaply acquired. To speak to a Norwegian from Thelemarken, to a Swede from Smaaland, or to a Dane from the misty, sandy coast of Jutland, about rich, rolling prairies stretching away miles upon miles, about land which was neither rocky, nor swampy, nor pure sand, nor set up at an angle of forty-five degrees, about land which could be had almost for the asking in fee simple and not by some semi-manorial title—this was to speak to his imagination rather than to his understanding. The letters from immigrants to their old friends in Europe continually dilated on these advantages, sometime with a curious mingling of humor and pathos. One of these communications, which was printed as a small pamphlet in 1850, sets forth in large letters, that the land was so plentiful that the pigs and cattle were allowed to

run at will.[3] What more could be asked of Providence by a poor peasant or "husmand," owing to his landlord, for the little strip of land on which he lived, the labor of two or three days each week?[4]

These strictly economic advantages of soil and price were not the only attractions for the sons of the Northlands. Both the traveller and the prospector for a site for a settlement were deeply impressed by the general appearance of the rolling country of the Northwest with its abundance of streams and lakes. During her visit to Wisconsin and Minnesota in the fall of 1850, Frederika Bremer saw with quite prophetic vision, the possibilities of the region:

"What a glorious new Scandinavia might not Minnesota become! Here would the Swede find again his clear, romantic lakes, the plains of Scania rich in corn, and the valleys of Norrland; here would the Norwegian find his rapid rivers, his lofty mountains, for I include the Rocky Mountains and Oregon, in the new kingdom; and both nations their hunting fields and their fisheries. The Danes might here pasture their flocks and herds, and lay out their farms on richer and less misty coasts than those of Denmark. Scandinavians who are well off in the old country ought not to leave it. But such as are too much contracted at home, and who desire to emigrate, should come to Minnesota. The climate, the situation, the character of the scenery, agrees with our people better than that of any other of the American States, and none of them appear to me to have a greater or a more beautiful future before them than Minnesota. Add to this that the rich soil of Minnesota is not yet bought up by speculators, but may everywhere be purchased at government prices. There

[3]A copy of this interesting little pamphlet, without signature, was found in the National Library in Stockholm.

[4]Young, *Labor in Europe and America*, 696. Laing, *Journal of a Residence in Norway* (1834), 151, describes the conditions in a parish, Levanger, near Throndhjem. There fifty estates were entered to pay land tax. Out of a population of 2465, 124 were proprietors cultivating their own land; 47 were tenants leasing lands, and 144 were "housemen" or tenants owing labor for their land.

are here already a considerable number of Norwegians and Danes."[5] The Swedish air-castle took material shape rapidly; during forty years the name Minnesota, even more than Iowa, or Wisconsin, was a name to conjure with among the laborers and would-be farmers of the old kingdoms.[6]

Of the peculiar fitness of the Swedes, Norwegians, and Danes for this promotion of economic progress in a great section of the country, there is practically a unanimous opinion. A dispassionate, mature estimate is expressed officially by an agent of the British Government sent out to study the question of immigration in the United States. "It is generally admitted," he states, "that physically, morally, and socially, no better class of immigrants enter the United States. In some respects they are the most desirable of all."[7] A first-hand observer of their work as western farmers wrote in 1868 concerning the settlers in a Norwegian township in Minnesota, "They open their farms quicker, raise better stock than most any other class, and quickly become wealthy."[8] In a hearing before the Industrial Commission in 1899, Hermann Stump, a prominent German, testified that the Scandinavians "are really the best immigrants who come to the United States."[9]

While the Scandinavians were admirably fitted to become substantial citizens and to develop their own

[5]Bremer, *Homes of the New World,* II, 314-315.

[6]The charm of this name was illustrated in a curious way during the journey of the writer and another American through the mountains of central Norway in the summer of 1890. One early evening they came to the cabin of a *sæter,* or summer pasture, high up on the side of Gaustafjeld, and asked to be lodged for the night. It appeared that the only room available for strangers was already occupied by two young men from Christiania; but when the conversation developed the fact that both the late-comers were from America, and one from Minnesota, the woman of the house hastened off into the next room, ordered out the two Norwegians, and announced on returning that the room was at the service of the foreigners!

[7]*Report of the Board of Trade of Great Britain on Alien Immigration to the United States,* 211, 212.

[8]Goddard, *Where to Emigrate and Why,* 247.

[9]*Report of the Industrial Commission,* XV, 22.

properties, and while the prospect of possessing a farm was the most potent and pervading influence affecting their movements after about 1850, the very high rate of wages paid in the United States, as compared with the wages in Europe, was everywhere an important factor among the immediate attractions. All of the western States, in the first decade of their growth, were exceedingly anxious to secure settlers who should take up and improve the vacant square miles, thus adding to the population and to the taxable values of the commonwealth. At the same time there was a large and steady demand for wage-labor; the farmers needed helpers; the construction of internal improvements, begun and projected, like the rapidly expanding railroad systems, could be carried on only by the aid of an abundance of laborers.[10]

These needs could not be met by any considerable migration of laborers from the eastern States, for there the development of manufacturing and of transportation by land and by sea would operate to keep up wages and so to hold the laborers. The hard labor of the Far West, therefore, must be done, if done at all, by those who had not already found places for themselves in the industrial system of the United States, and for such services a good rate of wages would be paid, or at least a rate sufficient to draw the desired labor. In 1851 the $15 per month received by some Swedes working as farm hands near Buffalo, New York, was considered "big wages."[11] At the same time laborers on railroad construction in the West were receiving $.75 and $1 per day. Whether measured as real or nominal wages, these rates were certainly higher than even the average skilled laborer could earn in Norway or Sweden.[12]

[10]Mattson, *The Story of an Emigrant*, 29 ff.

[11]Mattson, *The Story of an Emigrant*, 17.

[12]*Ibid.*, 29. For work on the Chicago & Rock Island Railroad, Mattson received $.75 per day, and paid for board $1.50 a week, but the determination of the real wages, per month, requires a liberal deduction from these day-wages, for the process of acclimatization was severe in such malarial districts as that in which Mattson worked, and few men at first worked more than fifteen or twenty days in the month.

Tho the wages in the peninsular kingdoms rose considerably from 1850 to 1875, there was still at the later date and afterwards a large differential in favor of the American scale, whether for skilled or unskilled laborers. The experienced agricultural laborer in the fields of Illinois, or Wisconsin received two or three times as much as the corresponding worker in Norway and Sweden, while in new States like Minnesota the multiple was even greater.[13] Still more marked were the differences between skilled laborers, such as carpenters and smiths, in America and Europe even after the panic of 1873.[14]

[13]The following tabulation is drawn from the statistics of Dr. Young, *Labor in Europe and America,* to illustrate the differences of wages. Personal inquiries among men from all parts of Northern Europe confirm in a general way these figures reported from Europe. The European rates are reduced to gold values, while those for the United States are in paper money values, and should be discounted 10% or 12% to put them on a par with the other rates.

	Summer		Winter	
Experienced agric. laborers, per day	With Board	Without Board	With Board	Without Board
Sweden, 1873	$.66	$	$.46	$
Norway, 1873	.28–.43	.42–.55	.21–.31	.55
Denmark, 1872	.54	.80	.40	.60
U. S. (Western), 1870	1.34	1.84	.97	1.40
Minnesota, 1870	1.60	2.50	1.17	1.67
U. S. (Western), 1874	1.15	1.58	.93	1.35
Minnesota, 1874	1.00	1.50	.75	1.25

[14]*Ibid.*

Mechanics and skilled laborers, per day	Blacksmiths	Carpenters
Sweden, 1873	$.80	$.80
Norway, 1873	.90	.85
Denmark, 1873	.85	.65–.85
U. S. (Western), 1870 & 1874	2.88 & 2.66	2.98 & 2.72
Minnesota, 1870 & 1874	3.03 & 3.00	2.92 & 2.50
Domestic servants, female, per month		
Sweden, 1873		$2.14—8.00
Norway, 1873 (cooks)		2.42—3.59
U. S. (Western), 1870 & 1874		9.43 & 9.28
Minnesota, 1870		8.98

The eloquence of these figures, and of the conditions behind them, was not left to do its work by chance in the private letters of immigrants or in the occasional pamphlet. States and counties, as well as railroad corporations disseminated very widely and systematically the knowledge of the opportunities open to the laborer in the great West. If he were a man who would progress from a temporary tho necessary factor in construction or in the field, to a permanent settler taking up vacant land, so much the better for the State and the corporation. Fortunately for those great railroads, which were pushing construction and receiving large subsidies in public lands, they found just such men in the Swedes and Norwegians. As the Rock Island railroad pushed across Illinois and Iowa, as the Northern Pacific built out through Minnesota and Dakota, and as the road now known as the Great Northern carried its lines from St. Paul into the Red River valley, and on across North Dakota, the Scandinavian and the Irishman supplied the demand for labor from 1850 to 1890, in precisely the same way as the Italian, Pole, Mexican, and Greek have been doing in later years.

When construction of a railroad ended, the demand for immigrants merely changed its form and became cumulative. The dividends of any railroad running out into a new country depend on the development of the tributary territory, and this is especially true of the land-grant roads which owned half of the land within ten miles of their tracks. Thus it came about that the Scandinavians were doubly valuable, first as laborers for wages, and second as independent farmers in the townships made accessible by the new lines.[15] It was, indeed, faith in human nature, and especially Swedish and Norwegian human nature, which led to the construction and profitable operation of hundreds of miles of new roads in Minnesota and Dakota after 1880.

[15]Personal interviews with a large number of Swedes and Norwegians in northwestern Minnesota, in May, 1890, brought out the fact that many of them worked in the construction of the Northern Pacific and Great Northern railroads, and then invested their savings in railroad lands in the Red River valley, where they were prosperous farmers.

One prominent railroad man estimated that each settler (presumably each head of a family) meant in the long run from $200 to $300 a year for the railroad.[16]

The fulfilment of the expectations of the builders of railroads and commonwealths was often surprisingly prompt. The prophetic insight of at least one "captain of industry," President James J. Hill of the Great Northern Railway Company which built its transcontinental system without land-grant, was as sure a reliance for capital as the subsidy of the Federal Government. Speaking in 1902 at Crookston, in the center of the great Scandinavian region in northwestern Minnesota, he described in striking terms the growth of farm values, and of the railroad business in some of the towns in Minnesota and North Dakota: "I took the best towns [of the Red River valley] outside Crookston [for comparison with towns in North Dakota]. . . . I will give you the annual business. Warren's last year's railroad business with our company was $86,000: Hallock, $94,000,—a respectable sum; Stephen, $87,000; Ada, $81,000. Langdon [in North Dakota] away up towards the boundary, upon Pembina Mountain, $210,000; Osnabrock, I hardly know where it is myself, $101,000; Park River, $170,000; Bottineau, away at the west end of the Turtle Mountains, where a few years ago people said it was too far away; could not live there and could not raise anything if they did live there, $258,000. Land up there [around Bottineau], worth $3, $5, and $8 an acre, and a few pieces $10 an acre, a few years ago, is worth today $25 and $30 per acre."[17]

The railroads left nothing undone to stimulate the economic desire of the Scandinavians to migrate to their particular sections of land and to the adjoining government sections. Several companies maintained for years regular immigration or land agents, besides a considerable and variable corps of sub-agents, port agents, and lecturers;

[16]Mr. Powell, General Immigration Agent of the Chicago, Milwaukee & St. Paul Railroad, in the *Milwaukee Sentinel*, Dec. 30, 1888, p. 10.

[17]*Northwest Magazine*, XX, 7, 11 (1902).

some of them paid the expenses of men representing groups of prospective immigrants, who desired to visit and report upon a particular locality. The St. Paul, Minneapolis & Manitoba Railroad advertised in "Facts about Minnesota" (1881): "The settler—his family, household goods, live stock and agricultural implements—will be carried from St. Paul to any point on either of our lines at one-half the regular price."

Besides these efforts and inducements, the railroad companies prepared handbooks in different languages, distributed them widely throughout the East and West, and circulated them systematically in Norway, Sweden and Denmark.[18] A few of the companies even sent special representatives to Europe to work directly with the people of those countries. The Hon. Hans Mattson left the office of Secretary of State in Minnesota in 1871 to become the liberally paid European agent for the Northern Pacific Railroad whose resources he was to advertise from his headquarters in Sweden.[19] He was not, however, to organize regular parties of emigrants. A high official of one of the northwestern roads summed up the matter by saying, "There is as much competition among the railroads desiring to attract immigrants, as among dry-goods stores in aiming to attract customers."

The northwestern State governments were hardly less interested in inducing immigrants to help fill up the vacant square miles and townships than were the railroads, for developed farms meant towns, diversified industry, and greater assessment values, which, being translated, meant much-needed public buildings, institutions, and improvements. The competition of the States, for immigrants such as the Norwegians, re-enforced and parallelled that of the railroad and land companies. Wisconsin appointed a Commissioner of Emigration in 1852, who resided in New York,

[18]Such pamphlets were issued by the Wisconsin Central, the Chicago & Northwestern, the Chicago, Milwaukee & St. Paul, and the Northern Pacific railroads. Some of them were printed in Swedish, Norwegian, German, Dutch, and Polish.

[19]Mattson, *The Story of an Emigrant*, 118 ff.

and employed a Norwegian and a German assistant.[20] The following year another Act created a Traveling Emigrant Agent, and prescribed that he should "travel constantly between this State and the city of New York," to advertise "our great natural resources, advantages and privileges, and brilliant prospects for the future."[21] Pamphlets by the thousand in German, Norwegian, and Dutch were sent out in America and Europe. The office was abolished in 1855, but in 1867 another Act created an unpaid Board of Immigration and appropriated $2,000 for printing pamphlets in English, Welsh, German, and the Scandinavian languages.[22] The State even went so far, in a later Act, as to authorize the Board, in its discretion, to help with money, "such immigrants as are determined to make Wisconsin their future home."[23]

The Board was succeeded by a Commissioner (Ole C. Johnson) in 1871, whose office was in turn abolished in 1874. The story of Wisconsin's later organizations for promoting immigration ought almost to go into the chapter on politics—a new Board in 1879, abolished in 1887, renewed for two years in 1895, and revived for another two years in 1899.[24] In 1880, at the request of the president of the Wisconsin Central Railway Company, K. K. Kennan, agent of the land department of that company, was also appointed agent for the State in Europe, without expense to the State.[25]

For the same purposes, and with the same methods, Iowa had a Commissioner, 1860-1862, and a Board (of

[20] *Laws of Wisconsin,* 1852, ch. 432; Ibid., 1853, ch. 53; *Wisconsin Documents,* 1853, 1854, Reports of Commissioner of Emigration.

[21] *General Acts of Wisconsin,* 1853, ch. 56.

[22] *Ibid.,* 1855, ch. 3; 1867, ch. 126; 1868, ch. 120; *Governor's Messages and Documents,* 1870, 11.

[23] *General Acts of Wisconsin,* 1869, ch. 118.

[24] *Ibid.,* 1871, ch. 155; 1874, ch. 238; 1879, ch. 176; 1887, ch. 21; 1895, ch. 235; 1899, ch. 279. The abolished Commissioner of 1874 declared the repeal was "conceived in vindictiveness and brought about by third-rate politicians, and followed my refusal to appoint to place in my office" certain incompetents. *Report of Commissioner of Immigration,* 1874, 2.

[25] *Annual Report of Board of Immigration,* 1880, 6.

which the Rev. C. L. Clausen was a member), 1870-1874, which sent agents to Norway, Sweden, and Denmark, where they published articles in the newspapers and stirred up emigration sentiment.[26]

Minnesota, likewise, in 1867 created a Board of Emigration, and Hans Mattson was appointed secretary. He proved a very efficient officer, and not the less so because at the same time, as he admits, he acted as land agent for one of the great railroad companies, whose line went through Wright, Meeker, Kandiyohi, Swift and Stevens counties.[27] Of the work of the Board, Mattson gives a convincing summary: "In the above-named localities there were only a few widely scattered families when I went there in 1867, while it is now (1891) one continuous Scandinavian settlement, extending over a territory more than a hundred miles long and dotted over with cities and towns, largely the result of the work of the board of emigration during the years 1867, 1868, and 1869. Our efforts, however, in behalf of Minnesota brought on a great deal of envy and ill-will from people in other States who were interested in seeing the Scandinavian emigration turned towards Kansas and other States, and this feeling went so far that a prominent newspaper writer in Kansas accused me of selling my countrymen to a life not much better than slavery in a land of ice, snow, and perpetual winter, where, if the poor emigrant did not starve to death, he would surely perish with cold. Such at that time was the opinion of many concerning Minnesota."[28]

The secretaries or commissioners of immigration were usually men of alien birth or extraction, and therefore intelligent and sympathetic in their labors for succeeding immigrants.[29] Probably no State gave better care, guidance, and protection to foreigners coming as settlers than did Minnesota, and naturally, with a Swede as commissioner, the Scandinavians were "preferred stock." The

[26] *Laws of Iowa*, 1860, ch. 81; 1862, ch. 11; 1870, ch. 34.
[27] Mattson, *The Story of an Emigrant*, 97, 99, 101.
[28] Mattson, *The Story of an Emigrant*, 100-101.
[29] *Ibid.*, 99, 102; *Wisconsin Legislative Manual*, 1895, 133.

work of the Minnesota commission included the appointment of interpreters to meet immigrants at New York, Montreal, and Quebec and accompany them to Minnesota; provision for temporary homes for the new-comers until they went to their chosen locality; and wide publication of newspaper articles in different languages. Pamphlets containing maps and detailed descriptions of States and counties were distributed at railroad stations and on steamers, in America and in foreign countries.[30] It would be stretching the truth a little to say that these circulars sent out by States, counties, and railroad companies were always strictly accurate and ingenuous, but they brought the desired results, not in one campaign alone, but year after year. Taken as a whole the energies of the State and railroad agents, were honorable, well-managed, and highly beneficial to both the States and the immigrants. The best evidence for this statement lies in the figures of the censuses of 1880, 1890, and 1900 for the population of Wisconsin, Iowa, Minnesota, and the Dakotas.[31]

The value of so many tens of thousands of immigrants added to the assets of western commonwealths,—so many scores of thousands of "hands," to make use of the colloquial term for labor units,—is at once great and difficult to measure or estimate. In economic terms, how much is a full-grown, healthy, intelligent, literate young man worth to a community into which he drops himself, for is he not as much a finished labor-performing machine as a new traction engine or a span of mules, either of which the assessor would set down in his books? The risks and pains and costs of up-bringing through unproductive years, of educating, of training for occupation, have all been borne by another community; the increment of wealth arising from his labor, providence, and skill will enrich the United States.

[30]See Bibliographical Chapter, under the names, Hewitt, Listoe, and Mattson, for Minnesota.

[31]See Statistical chapter, tables 5, 6, 7.

Yet it is not a fair test of the value of an immigrant to this country to measure it by the cost of his bringing up and education, either by the standards of his old home or by the American standards. Professor Mayo-Smith pointed out the fallacy in the oft-quoted estimate of Kapp, made up on this basis, that "the capital value of each male and female immigrant was about $1,500 and $750 respectively, making an average of $1125.[32] Dr. Young, formerly Chief of the United States Bureau of Statistics, chooses as a basis the "market value" rather than the "cost of production," and estimates the approximate yearly addition made by each immigrant to the realized wealth of the country in the form of farms, buildings, stock, tools, and savings, to be amout $40, which, capitalized at 5%, gives $800 as the value of each immigrant.[33] An interesting German calculation in 1881, made in much the same way as Dr. Young's, put the capital value of each immigrant at $1,200.[34] Another method of gauging the amount contributed to the earnings of the country by each immigrant, is to multiply the average daily wage of $1 by one-fifth the total number of immigrants, and that by 300, the number

[32]Kapp, *Immigration and the New York Commissioners of Emigration,* 146; Mayo-Smith, *Emigration and Immigration,* ch. vi.

[33]Young, *Special Report on Immigration* (1871), vii-ix.

[34]"According to other statistics, the average annual earnings of a workman amount to $625, and one may safely presume that every able-bodied workman contributes every year ⅕ of his earnings to the increase of national wealth. Taking into consideration the period of time of a full working capacity of emigrants according to their age, and considering the much less working capacity of females, and the cost of raising the children which they bring with them, one may fairly presume that, during the last few years, not only considerable cash capital has been taken to the United States by emigrants, but that every one of them carries to that country, in his labor, a capital which may be estimated at $1200. The total value of the labor thus conveyed to the United States during the last five years, may therefore be estimated at about $700,000,000. No wonder that the United States of America prosper." *Hamburger Handelsblatt,* March 18, 1881, quoted in translation from this "leading trade journal of Germany", in *Annual Report of the Wisconsin Board of Immigration,* 1881, 14.

of working days in the year.[35] Taking the values of the immigrant over fourteen years of age and under forty-five, as $1000, and estimating conservatively that 80 per-cent of the foreign-born enumerated in the census of 1900 reached the United States between those ages, the Scandinavians so enumerated represented a capital value of about $850,000,000, to which the immigration from the North countries in the next five years added not less than $230,000,000. Viewed from one point, this capital was just so much given by the gods of plenty to accelerate the development of the West.

Another phase of the economic advantages of Scandinavian immigration has to do with the cash capital brought by the incoming thousands. While the first Norwegians were of the poorest class of the community, who escaped from unfavorable conditions almost empty-handed, squeezed out from the bottom of society, as it were through cracks and crevices, and while many of the later arrivals have had no other capital than strong hands and equally strong determination, the great proportion of adults have brought with them average sums variously estimated from $22 to $70 each. G. H. Schwab of New York, whose firm was general American agent for the North German Lloyd Steamship Company, estimated the average money or money equivalent brought by the Scandinavians, at $22 per head, probably including children in the calculation.[36] W. W. Thomas, Jr., Commissioner of Immigration for Maine, and later minister to Sweden, states that 900 Swedes who came to Maine in one year, besides clothing, tools, and household goods, had $40,000 in cash; and elsewhere he puts the average at $50 per head.[37] The figures from Wisconsin, which received better material than the average, would naturally run higher; in 1880 the official estimate

[35] J. B. Webber, in *North American Review*, CLIV, 435 (1892).

[36] *Forum*, XIV, 810.

[37] *Report of the Board and Commissioner of Immigration of Maine*, 1872, 6; F. L. Dingley, "European Emigration," *Special Consular Reports*, II, No. 2, 1890, 260.

of cash brought by each immigrant was "from $60 to $70."[38] Assuming an average of 50,000 Scandinavian immigrants per year for the last thirty years,—a safe minimum—and an average of $50 cash per capita, the annual addition to the cash capital of the country would be at least $2,500,000.

Whatever may be gained in this way is, however, offset by the steady stream of remittances flowing from America to Northern Europe, especially during the last quarter of a century, and by the large sums spent by the thousands of erstwhile immigrants returning to their old homes for a winter or for a vacation.[39] Many a son, prospering in America, has contributed regularly to the support or added comfort of his parents or family in the fatherland; every holiday season swells the mail sacks with letters containing money-orders, and drafts. During 1902 at least $1,000,000 was sent to Norway alone.[40] In the last two months of 1903, it is estimated that $3,000,000 went from the United States to the Scandinavian countries in these personal remittances.[41] Another sort of remittance which does not immediately take the form of cash, is the prepaid ticket for passage to an American port, sent to friends and relatives to assist them to emigrate. The United States consuls at Bergen and Gothenburg reported that about one-half of the emigrants from Norway and Sweden in 1891 made the journey on tickets sent from America.[42] In this connection, it should be noted that the money thus spent by immigrants is not in the nature of a permanent investment of hoarded earnings; it is not the remittance of "birds of passage" like some Italians, for example, who will shortly follow it. In comparison with the millions of dollars sent

[38] *Annual Report of the Board of Immigration of Wisconsin*, 1880, 4. A writer in the *Milwaukee Sentinel*, Sept. 10, 1889, states, "Many of them (Germans and Scandinavians) bring abundant means to secure large farms and stock them well."

[39] Brace, *The Norsefolk*, 146; *Harper's Weekly*, Sept. 1, 1888; *Gamla och Nya Hemlandet*, Jan. 14, 1903 (Malmö correspondent).

[40] *Special Consular Reports*, XXX, 116 (1903, Christiania).

[41] *Amerika*, Jan. 8, 1904.

[42] *Letter of the Secretary of the Treasury, etc.*, 1892, 45, 50, 65.

home by Italian immigrants in an average year, the Scandinavian remittances and spendings are almost insignificant.[43]

From the first, great numbers of the immigrants have come with no other capital than strong and willing hands, stout hearts, and an unchanging land-hunger. They served for a time as laborers on the older farms, in town, in the lumber camps, or in railroad construction, saving their money, learning American ways, and acquiring some English, but as soon as money enough was saved, perhaps in a year, to buy forty or eighty acres of government land at the minimum price, a yoke of oxen or a team of horses, and a few necessary farm tools and implements, the prospective farmer moved upon new land and started out for himself. Under the Homestead Act of 1862 the amount of capital required for the beginning of operations was greatly reduced, and it was under this act that the lands of the northwestern States beyond the Mississippi were so rapidly taken up.[44]

A typical illustration of the process described is found in Levor Timanson, who came with his father in 1848, at the age of eighteen, to Rock County, Wisconsin, where he worked for several years as farm laborer, carpenter, and mason. He visited Iowa and Minnesota in 1853 in search of satisfactory land; finding it at Spring Grove, in the latter State, he settled down there as a grain and stock farmer. In 1882 he owned 840 acres of land of which 550 acres were under cultivation.[45] A study of the histories of counties and townships in eastern Iowa and Minnesota, and of the biographies which usually accompany them, reveals clearly the fact that the larger part of the Scandinavian farmers resident in those counties in the sixties and seven-

[43]"In an average year the Italian bankers of New York City alone sent to Italy from $25,000,000 to $30,000,000. This is said to have an appreciative effect upon the money market." *Lippincott's Magazine,* LVIII, 234 (1896).

[44]"An Act to secure Homesteads to Actual Settlers on the Public Domain," *U. S. Statutes at Large,* 1861-2, 392.

[45]*History of Houston County, Minnesota,* 481.

ties spent from one to five years in Wisconsin or Illinois before moving into the Farther West.[46] They were in turn apprentices and journeymen, and finally attained to the full dignity of masters of their own estates.

The economic as well as the social importance of the tendency of the Scandinavian immigrants to settle upon the unoccupied farm lands of the West, can scarcely be overemphasized. It gains still more striking significance when the figures showing such settlement are compared with those of some other races which have more recently contributed largely to the immigrant population; for the man who owns and develops a farm necessarily makes a permanent, long-time investment of himself and his family in a reproductively extractive industry; while the wage-earner in the mines or in lumbering is quite likely to be a "bird of passage," engaged in destructively extractive industries, with only vague notions of, or longings for, citizenship and its responsibilities. Professor John R. Commons, perhaps the best statistical authority on this subject, gives some striking figures illustrative of the farm-ward tendencies of different alien elements, showing the percentage of total number of males in 1890 engaged (1) on farms, (2) as farmers and planters, and (3) as laborers not specified:[47]

	(1) Farm Labor	(2) Farmers	(3) Laborers
Danes	40.78	27.41	13.30
Swedes and Norwegians	38.26	27.12	14.95
Germans	27.04	21.14	11.58
English	18.53	14.82	7.47
Irish	14.71	11.60	25.16
Russians	15.19	11.03	10.96
Italians	5.81	3.91	34.15
Hungarians	3.92	2.13	32.44

[46] *History of Goodhue County, Minnesota; History of Houston County, Minnesota;* Sparks, *History of Winneshiek County, Iowa.* See the numerous biographies in Nelson, *History of the Scandinavians,* I, II.

[47] *Report of the Industrial Commission,* XV, 301-302. Mr. R. C. Jones, assistant superintendent of Castle Garden, New York, estimated, according to an interview in the *Milwaukee Sentinel,* Dec. 30, 1888, that about one Swede out of a hundred went to a city.

From calculations based upon the reports of the censuses of 1870, 1880, and 1890, it appears that one out of four of the Scandinavians was in the last year engaged in agriculture; of the Americans, one out of five; of the Germans, one out of six; and of the Irish, one out of twelve.[48]

One of the very natural consequences of the tendency of the Norse immigrants to seek agricultural locations, and to seek them along the advancing frontier, is the township and even the county, particularly in Minnesota and the Dakotas[49] peopled almost solidly with the men and women of one nationality. The names of post-offices and townships, and the assessment rolls of the counties, bear witness to the density of these settlements which were made up of immigrants in both the first and second stages, composed in part of people coming from the older colonies like those in Dane County, Wisconsin, or Henry County, Illinois, or Goodhue County, Minnesota, and in part of newcomers direct from their Old World homes. About 1880, the names of those whose land abutted upon the two railroads traversing Houston County, Minnesota showed plainly this process of massing. Taken in order, the first twenty-two names were those of American, Irish, and German settlers; then followed nineteen, all Scandinavian save two.[50] Fillmore County, Minnesota, one of the older counties, largely Norwegian from its beginning, and Chisago County, on the eastern border of the same State, a stronghold of the Swedes from its first settlement, are excellent examples of the economic contributions made to the State by the Scandinavian element through its development of the wilderness into cultivated fields and prosperous villages. Of the transformation of Dakota before 1890, and the part of the sons of the North in it, a writer says: "Most of them came with just enough to get on Government land and build a shack. Now they are loaning money to their less

[48]See Nelson, *History of the Scandinavians*, I, 246.

[49]*History of the Upper Mississippi Valley*, 281, 312, 416, 440, 511; *History of Fillmore County, Minnesota*, 344, 346; *Northwest Magazine*, Oct., 1899.

[50]*History of Houston County, Minnesota*, 286.

fortunate neighbors. Every county has Norwegians who are worth from $25,000 to $50,000, all made since settling in Dakota."[51]

In comparing statistics of such counties as Fillmore and Chisago, showing their growth in wealth and productivity, as reported in the decennial census, two facts regarding the nativity and parentage of the population must be kept clearly in mind if the full significance of the work of the men of alien stock is to be appreciated: first, that the increase of the foreign born is largely made up of adults; second, that the increase of the native-born is in reality an increase of the purely Norwegian or Swedish element, the sons and daughters, grandsons and granddaughters of foreign-born parents, for the census-taker, even in 1900, did not penetrate beyond the first degree of ancestry.

The tabulation given in Appendix II illustrates the economic progress of three Minnesota counties in which the Norse factor has been strong from the early days of their settlement: Fillmore, Chisago, and Otter Tail, one of the newer counties in the west-central part of the State. From these figures some conception of the influence of the North European in one American commonwealth may be obtained. These are not unique cases, but rather are they what might be called normal counties of their class, counties whose population is made up more or less of good native-born settlers from the older Eastern States.

Several processes already discussed will be easily and forcibly illustrated by these tables. In Fillmore County, for example, the oldest of the three, the increase of the foreign-born element was most rapid in the decade 1870-1880, while during the next ten years there was a distinct falling off, due beyond any doubt to the rise in the price of lands in that county and to the opening up of new counties like Otter Tail where just as good land was to be had at the minimum rate. This falling off was paralleled in the same decade in Chisago County, while both the rise and decline in the number of foreign-born Nor-

[51] *The Northwest Magazine*, Oct., 1889, p. 32.

wegians going into Otter Tail County occur in the two later decades, 1880-1890 and 1890-1900, when the Dakotas were filling up.

The continuing additions to the acreage of farm lands and the steady transformation of unimproved areas into improved areas, indicate the extent to which the labor of alien hands was enhancing the value of the prairies even down to 1900, and presumably since that date. The figures for the increase of the cash values of the farms, including fences, etc., but not improvements, have been chosen because the increases in the total valuations of counties is not infrequently due to the rise of considerable villages and cities, and to the building of railroads, and to these enterprises in contrast with the evolution of agricultural values, the Scandinavian is a comparatively insignificant contributor. The extent to which this development of rural areas may go, is curiously evidenced in the names of the subdivisions of the relatively new Otter Tail County. Of its sixty-two townships in 1900, not less than thirteen bear unmistakable Scandinavian (Norwegian) names—Aastad, Aurdal, Norwegian Grove, St. Olaf, Tordenskjold, Throndhjem, etc.

The price which the immigrant-agriculturist was willing to pay for his coveted free-hold farm was not measured in dollars and cents alone. In a very real way, the land was to become the property of the highest bidder, tho each one paid $1.25 per acre; the land was sure to go to him who would in the long run put the most of himself into the bargain—muscle, courage, patience, pride in his family, and the future of himself and his family as over against the present. It was due in no small degree to the composite nature of this individual investment by the man from Europe's Northwest, that he so promptly and intelligently succeeded in acquiring free of debt his farm and home in the American Northwest.[52]

[52]See the testimony of John Anderson, editor of *Daily Skandinaven*, before the Select (Congressional) Committee on Immigration and Naturalization, 1891. *House Reports, No. 3472*, 51 Cong. 2 Sess., 679-683.

Another reason for his nearly uniform success lies in the fact that he was brought up to a more careful and intensive system of farming than his average American neighbor. Perhaps, too, he works harder than the American, but hard work, long and unflinchingly continued, is a fundamental condition of the success of a farmer whatever his nationality. From the Scandinavian immigrant's point of view, he does not work so hard in the United States, in order to gain a given result,—ownership of his own farm, for illustration,—as he would have had to work in the land of his birth. Personal interviews with scores of men in various parts of the Northwest confirm the opinion expressed to Miss Bremer in Wisconsin so far back as 1850, when pioneering was as hard as at any time since the "Sloop Folk" landed in New York: "About seven hundred Norwegian colonists are settled in this neighborhood, all upon small farms. I asked many, both men and women, whether they were contented; whether they were better off here or in old Norway. Nearly all of them replied, '*Yes*, we are better off here; we do not work so hard, and it is easier to gain a livelihood.' "[53]

In a discussion of the competition of the immigrants with American laborers, an eminent scholar maintains that the Scandinavians of the West have succeeded where the American with a better start has failed.[54] He questions if this success is a survival of the fittest, if it has not been purchased at the expense of American labor which is forced elsewhere, because the Americans will not endure the hard work and live on the coarse fare, through which the immigrants win their success.[55] However true this might be as a generalization about immigrants as a whole, it can hardly be true of the Swedes and Norwegians, except in so far as they have been more willing than the native American to live the life of a pioneer and to stick to the

[53]Bremer, *Homes of the New World*, I, 242.

[54]Mayo-Smith, *Emigration and Immigration*, 146.

[55]*Ibid.*, quoting a letter from Fargo, Dakota, July 24, 1887, to the *New York Times*.

soil. But this cannot fairly be called forcing out American labor, or driving the American to the wall; immigrant labor went in where there was no labor of any kind. Furthermore, up to 1890, there was certainly plenty of land for all the American, or native-born, laborers who desired to devote themselves to that sort of work by which the Scandinavians were gaining their independence. If the agricultural land of the vast West be looked upon as a national asset, to be held for cautious and discriminating distribution to examined and approved settlers, then it may be that the foreigner has occupied land which might have sometime fallen to a better man.

The standard of living among the Scandinavian settlers, whether on the frontier or in the towns, has not been very different from that of their American neighbors. It cannot vary much in a sod-house on the prairie, in a cabin on a claim, or in a log-hut in a clearing, whether the occupant be of Viking or Puritan descent.[56] The food was Indian corn, sometimes ground in a coffee-mill, occasionally wheat, milk, fish, wild fowl, pork, and common vegetables; the clothing was often primitive and always rough, and in the early days, at least, "men in wooden shoes and home-made woolen jackets were no uncommon sights at their religious meetings, or even when they were locked in holy matrimony before the altar."[57] But with prosperity, Americanization, and the settling up of the region about them, they took to comforts and luxuries just as soon as they could afford them. During the autumn of 1886 the writer spent more than six weeks in the family of a well-to-do Danish farmer in central Minnesota, and made frequent calls at the homes of Swedish and American neighbors; very little perceptible difference could be observed in the standards of living, whether judged by furniture, dress, or food. In the gradations up to the

[56]Langeland, *Nordmændene i Amerika,* ch. xi; Strömme, *Hvorledes Halvor blev Prest,*—an excellent picture of life among the Norwegians in Wisconsin and Minnesota; Foss, *Tobias: a Story of the Northwest.*

[57]*Scandinavia,* I, 142.

wealthy families of the larger towns and cities, the same statement would be true. If any modifications were to be made, it would be that Scandinavians set a more bountiful table, and give more attention than the Americans to festivals and celebrations.

The men of Scandinavian stock have by no means devoted themselves exclusively to agriculture, tho it has already been shown how dominant with them is the desire for the possession of land and the independence which that possession brings. In business—trade, manufacturing, and finance,—and in the professions, in all that differentiates the village or urban community from the rural, they have, especially since 1890, played an active part. A rising percentage of skilled laborers and of those who had in the Old World experience with business affairs, marked the immigration from Northern Europe after 1880. The accumulated wealth of the earlier immigrants sought investment in the thriving towns of the newer commonwealths of the Northwest. Villages which sprang up along railroads, became cities with the advent of other lines; water power has developed fast; the forests were to be turned into lumber and its further manufactured products. The Scandinavian villages and wards of great cities evolved their own stores, shops, factories, and banks just as they did their churches, lodges, and other social organizations, manned by men of ambition, ability, skill, and resourcefulness.

Both in the cities like Chicago, Minneapolis, Rockford, and Madison, and in the more homogeneous villages of the solidly Scandinavian counties, Norwegian and Swedish merchants and tradesmen, catering to Americans as well as to persons of their own nationality, rapidly achieved success and fortune. Seven years after landing, a Swedish immigrant is reported in 1873 to have built up in Anoka, Minnesota, the largest grocery establishment in that section, doing an annual business of $100,000.[58] In the city of Minneapolis one of the largest department stores west of

[58] *History of the Upper Mississippi Valley*, 228.

Chicago, and probably the greatest Scandinavian business house in the country, is that of S. E. Olson & Co., which does a yearly business of about $2,000,000, and in the height of the season employs more than 700 persons.[59] Scattered over the Northwest are scores of enterprising Scandinavian individuals and firms engaged in business as merchants, grain-dealers, contractors, etc., whose annual business passes $100,000.[60]

The manufacturing industries in which the Swedes and Norwegians play the more active part are those closely related to agriculture and the forest—the cutting and sawing of lumber, the manufacture of furniture, and the manufacture of agricultural implements. By foresight and shrewd investments in timber lands in Wisconsin and Minnesota, a certain Norwegian immigrant accumulated nearly a million dollars; a Swedish immigrant in like manner built up the C. A. Smith Lumber Company of Minneapolis, one of the great manufacturers of the upper Mississippi Valley, with works occupying seventy acres, employing upwards of 800 men, and with branch lumber yards situated in western Minnesota and in the Dakotas.[61]

The manufacture of furniture is the chief occupation of the Swedes of Rockford, Illinois, who comprise fully one-third of that city's population of 30,000. In 1875 fifteen Swedes organized the Forest City Furniture Company, with a capital of $50,000; ten years later, Rockford was the second city in the country in the production of furniture, and in 1893 there were more than twenty furniture companies with a capital varying from $50,000 to $200,000. Nearly all of these companies were organized on the co-operative basis, nearly all were composed of Swedes, and nearly all were earning a clear profit of 20 per-cent

[59]Söderström, *Minneapolis Minnen,* 204; Nelson, *History of the Scandinavians,* I, 466.

[60]*Ibid.,* I, 504, 467; II, 160, 164, 193, 229, 233, 248, 261; Söderström, *Minneapolis Minnen,* 202, 203.

[61]S. A. Quale, a Norwegian immigrant of 1869, and C. A. Smith, a Swedish immigrant of 1867. *The North,* May 21, 1890; Söderström, *Minneapolis Minnen,* 191.

and upwards..[62] Other notable instances of successful Scandinavian manufacturers are John A. Johnson, whose works for making agricultural implements in Madison, Wisconsin, employed about 300 men; the great printing and publishing house of John Anderson & Company of Chicago, from which are issued the daily and weekly editions of "Skandinaven," and the Swedish-American Publishing Company of Minneapolis, publishing the widely circulated "Svenska Amerikanska Posten."[63]

The economic progress of the immigrants from the Northlands may well be gauged by the number of public and private banking establishment in the Northwest controlled by them. Surprisingly numerous are the men who, after gaining a competency as merchants, grain-dealers (one of these built twenty-five elevators along the Great Northern Railway), land speculators, and lumbermen, have turned to banking as their communities developed. The market for capital was active, ready to absorb large or small amounts; rates of interest ran from ten to twenty per cent.; the thrift and honesty of the Norse folk were equivalent to a bond. Hence small banks with $25,000 and $50,000 capital multiplied, not always on the soundest basis, it should be said, though this does not imply dishonesty. In Minneapolis, between 1874 and 1900, the names of no less than six Scandinavian banks appear, the largest becoming the strong Swedish American National Bank with a capital of $250,000.[64] Smaller cities like Sioux City and Boone, Iowa, have developed similar sound banks capitalized for $100,000. Not all Scandinavian bankers, however, have escaped the temptations of "high finance," though the total of failures is comparatively small. One of the most notorious and shameful examples of bank-wrecking in recent years occurred in Chicago in 1906, when Paul O. Stensland,

[62]Kæding, *Rockfords Svenskar*, 67, 95; *The North*, Jan. 8, 1890, July 12, 1893.

[63]Nelson, *History of the Scandinavians*, II, 209; Söderström, *Minneapolis Minnen*, 181-189.

[64]Söderström, *Minneapolis Minnen*, 206; Nelson, *History of the Scandinavians*, II, 164, 228.

for years the trusted and honored and admired president of the Milwaukee Avenue State Bank, the depository of hundreds of working men and small tradesmen, wrecked the bank through speculations in real estate, fled to Africa, and was brought back and placed in the Joliet prison for a term of fifteen years.[65]

As the regions into which the Scandinavian immigrants have gone so determinedly as agricultural settlers have gradually become more complex in their economic structure, these men and women have once more illustrated their notable capacity to adapt themselves to the new conditions and to share in new advantages. The second and third generation will probably develop much the same tendency city-ward which the Americans of the same class show so markedly; and they will take their share of the honors and emoluments of business, manufacturing, banking, the technical professions, and the so-called learned professions.

[65]The Chicago papers for August, September, and October give full details of the wrecking of the bank and the career of its president. See *Chicago Tribune,* August 9 ff., 1906.

CHAPTER IX.

The Religious and Intellectual Standpoint

The social results of the settlement of a body of aliens in any country, as compared with the economic, are far more undefinable and elusive, even when the settlement is compact and homogenous, like that of the Dutch in New York or the French in Louisiana. But when a particular element, like the Irish or the Scandinavian, in a complex population, is distributed over a wide area, with accessions running through three-quarters of a century, the problem of its social influence and importance becomes vastly more difficult. No study or observation of such a well-established racial group, outside of the purely statistical, at best can reach far beyond an impression or an individual opinion; it cannot arrive at a convincing and conclusive scientific deduction.[1] Looked at in its length and breadth, the question of social results of Scandinavian immigration takes various forms. Have the foreign-born citizen and his immediate descendants adapted themselves rapidly and vitally to the best American customs in business, politics, education, and religion? Have they learned English quickly? What has been their attitude towards such questions as intemperance, slavery, and public honesty? Are they re-enforcing the best standards of public and private morality prevailing in the communities into which they come?

Fundamental to this discussion, is the general effect of the process of immigration and new settlement, upon the physical and intellectual state of the immigrant and his offspring. It has already been pointed out that the immigrants of the nineteenth century, like those hardy souls of the sixteenth, who left England, Holland, France, or

[1] Hall, *Immigration*, ch. viii.

Sweden, were the more adventurous and determined men and women of their parishes, and that the incidents and anxieties of settling up affairs in their old homes and of getting off for America, would stir to quicker thinking the minds of even the slow and inert. Then came the influence of adjustment to the ways of a new and larger world, with its greater distance, its more rapid communication, its more strenuous activities, its new language, and its different climate and diet; all these re-enforced the original, quickened impulse, and of necessity affected both subtly and powerfully the mind and body of two generations.

The change has in general been for the better, tho some observers think they see a retrogression, especially in physical respects. A Norwegian physician who spent about nine months in the United States in 1892, wrote for a Christiania medical journal an article in which he declared: "That the Norwegian race in the United States is declining physically, every one, I think, who has spent some time among our emigrated countrymen there must admit. But the change is a slow one." The causes, as he saw them, were the unwholesome climate of the Northwest, the unsuitable food of the farmers, the cold, damp houses of the prairies, and the abuse of alcoholic liquors and tobacco. By way of final summary of opinions, he states that "the general rule is that, these dark sides to the contrary notwithstanding, the social conditions in America and its democratic institutions are conducive to individual thinking thereby contributing to the development of individual talent, great or small as that may be."[2]

The views of Dr. Kraft were more or less disputed by several Norwegian physicians in the United States, in *The North* for January and February, 1893. Dr. Harold Graff, writing to the periodical in which Dr. Kraft's article originally appeared, says: "With astonishing rapidity, the

[2]Dr. E. Kraft, "The Physical Degeneration of the Norwegian Race in North America," *The North,* Jan. 3, 1893,— translation from *Norsk Magazin for Lægevidenskaben;* Ch. Gronvald, "The Effects of the Immigration on the Norwegian Immigrants," appendix to the *Sixth Annual Report of the State Board of Health of Minnesota,* (1878), II, 507-534.

wide mouth and ungainly nose of the specific Norwegian peasant type become modified and disappear, the difference between the physiognomy and facial expression of parents and children being often bewilderingly great. I have interviewed some of the oldest and most experienced physicians practising in this country, and also other intelligent Norwegians who have travelled among their countrymen in the States, without as yet having heard any divergent opinion whatever. All agree that the Norwegian race in every respect is progressing in both mind and body."[3] Others, who were not so sure of the physical improvement, agree as to the intellectual quickening. In a word, if the transplanting of the tree has not certainly produced an improved trunk or foliage, it has bettered the quality of the fruit. The next logical step is to attempt to estimate the value of such fruit in the American market.

The two obvious ways of determining the influence of a foreign element, are to compare it with some other foreign-born constituent longer and better known, and to compare it with the native American. The latter is the fairer criterion, but it is not easy to ascertain and define what are the purely American characteristics with which comparison is to be made. Statistics on social matters are so incomplete that reliance must be placed upon the consensus of opinion of thoughtful, sympathetic observers and students of American life, whether they be statesmen and philosophers bred in the United States, or scholarly, penetrating foreigners like James Bryce and Alexander de Toqueville.[4] Such men of insight agree that the American ideal comprises love of freedom, independence, and equality; respect for law, government, education, and social morality (including reverence for the family and the home); and lastly a willingness to share the common burden and, if need be, to make a common sacrifice for the permanent welfare of the commonwealth.

[3] *The North,* Jan. 18, 1893, translating the article mentioned.

[4] Bryce, *American Commonwealth* (3rd ed.), ch. lxxx; Matthews, *American Character,* 20-34; Roosevelt, *American Ideals,* ch. i, ii.

In acquiring the use of English and in maintaining high standards of education, the Scandinavians have an unimpeachable record which no other foreign, non-English-speaking element can equal. Illiteracy in Norway and Sweden is almost unknown. Taken together, these two kingdoms have less than one per-cent of illiteracy, and among the recruits in Sweden in 1896 only .13% were unlettered, and only .63% were unable to write.[5] Personal acquaintance with many hundreds of Scandinavians, on both sides of the Atlantic, has failed to reveal to the writer a single adult who was unable to read and write.

One of the very first matters to receive attention in a Scandinavian settlement in the United States, has been the establishment of a school, and, as speedily as possible, the instruction has been given in English, partly because the school laws of most of the States would not recognize a public school conducted in a foreign language, and partly because the settlers desired to have the children know English.[6] For a year or two in some of the isolated communities, as in Arendahl, Fillmore County, Minnesota, in 1857-8, it was necessary to conduct the schools in Swedish or Norwegian; but only rarely has any attempt been made to continue systematic, regular instruction exclu-

[5] *Statesman's Year Book, 1900,* 1049; Kiddle & Schem, *Dictionary of Education,* 452. In the latter work, Norway, Sweden, Denmark, and Switzerland are marked with asterisks, signifying that they are practically without illiteracy. The contrast of these figures with the percentages of illiteracy of some other European countries is very striking. In 1890 the percentage of illiterates in Austria was 40%, in Hungary, 54%, in Italy, in 1897, among conscripts, 37.3% (reduced from 56.7% in 1871), and among those persons marrying, males, 32.9%, females, 52.13% (reduced respectively from 57.73% and 76.73% in 1871). For Russia the percentage is probably about 80%, perhaps as high as 90%. See *Statesman's Year Book, 1900,* 374-375, 392, 744-745. Statistical returns relating to German army recruits indicate that in 1896-7 only about .11% could neither read nor write. *Ibid.,* 592. See also, Hall, *Immigration,* 46, 48, 54, 61, 141.

[6] *History of Fillmore County, Minnesota,* 346, 463,—a Norwegian school for one year in a private house, then an English school; Sparks, *History of Winneshiek County, Iowa,* 16-17.

sively in the mother-tongue by the maintenance of year-long parish schools. The immigrants have frequently been insistent, and properly so, upon some scheme by which they might be able to educate their children in the use of the mother-tongue; but schools for this purpose have usually supplemented rather than supplanted the ordinary public school.[7] In a very few localities, like the older settlements in Goodhue County and Fillmore County, Minnesota, Allamakee County, Iowa, and Dane County, Wisconsin, parish schools are still maintained throughout the year.[8]

The church schools are more commonly a sort of summer vacation school supported either by the persons whose children attend, or at the expense of the whole congregation; in them are taught the language of the parents and the preacher, the church catechism, and something of church history; sometimes especial attention, as in the case of the Danish Grundtvigian "high schools," is given to keeping alive the traditions of the European kingdom from which sprang the immigrants. The teacher of both the language and the doctrines of religion is customarily a student in some theological seminary of the denomination to which the congregation belongs. The Lutherans have kept up these vacation schools more consistently than any other Scandinavian church. The report of the parochial schools of the United Norwegian Lutheran Church for 1905 showed that on the average almost thirty days were devoted to the church school in each of the 750 congregations reporting.[9]

The clergy are mainly active in this mild paternalism, upon which the younger people not infrequently look with disfavor, for to the second generation it appears an unnecessary perpetuation of an un-American custom, a

[7]For a discussion of the Bennett Law in Wisconsin, see pp. 167 ff.

[8]*Beretning om det syttende Aarsmöde for den Forenede norsk lutherske Kirke i Amerika, 1906,*—"Parochialraporter for Aaret 1905."

[9]"Sammendrag af Parochialraporter", *Beretning om det syttende Aarsmöde for den Forenede norsk lutherske Kirke i Amerika, 1906,* LVI; J. J. Skordalsvold, in Nelson, *History of the Scandinavians,* I, 241.

scheme for emphasizing peculiarities and differences rather than a means of hastening the process of amalgamation. Sometimes the younger men have revolted and broken entirely with the Lutheran church, identifying themselves with American congregations, or drifting out on the wide sea of religious indifference.

The loyalty of the Scandinavians to the public school system has been of far-reaching consequence to the immigrants themselves as well as to American society. There is always a more or less strongly marked tendency among aliens speaking a foreign language to congregate in groups in the country or in certain wards in large towns and cities, and out of this tendency springs a sort of clannishness which cannot be avoided and which is not peculiar to any class, for the immigrants naturally follow the lines of least resistance. They go to those whom they know, to those whose speech they can understand, to those from whose experience they may draw large drafts of suggestion and help. But this clannishness with the Swedes, Norwegians and Danes, has been but a stage in their evolution out of which, through the gates of the English language, public schools, naturalization, and increased prosperity, they have passed to broader relations. The filling up of the Scandinavian quarters of great cities like Chicago, Minneapolis, and St. Paul, may modify the effect of their persistent attachment to the public school; but so far the public school is the great foe to clannishness, and loyalty to it one of the best evidences of the desire of these people from the Northern lands to become Americanized. In the cities of Minneapolis and St. Paul, with their large Scandinavian population, there was not in 1907 a single parish in which the parochial school lasted through the year, and only a few in which vacation schools were maintained.

In higher education the Scandinavians have allowed their denominational zeal to outrun their judgment. They have founded numerous seminaries and so-called colleges, but almost invariably as a part of the necessary equipment of a religious denomination, for how could a self-

respecting sect, no matter how young or how slightly differentiated from its older brethren, permit its children to attend the schools of those whose denominational beliefs or practices had become objectionable enough to warrant a schism in the church? A few of these institutions, like Luther College, at Decorah, Iowa, Gustavus Adolphus College at St. Peter, Minnesota, Augustana College at Rock Island, Illinois, and Bethany College at Lindsborg, Kansas, have maintained an excellent standard of work and exercise a wide and beneficent influence.[10] The great majority, however, have simply wasted resources by the multiplication of ambitious, struggling, poorly-equipped, so-called colleges, with little or no endowment, and often dependent upon the congregations of the denomination which gave them birth.[11]

One of the results of the excessive splitting-up of the Scandinavian churches is that the energies which ought to be concentrated are frittered away on unnecessary schools. A separate denominational school and a family paper seem to be indispensable parts of the machinery of every newly organized sect, no matter how young or how small or how poor it may be.[12] The number of these institutions continually varies with the ups and downs of the denominations trying to support them. In 1893, Mr. J. J. Skordalsvold, a graduate of the University of Minnesota, put the number of Scandinavian colleges, schools, and seminaries in the United States at thirty-six, with an attendance of about five thousand.[13] Sixteen of these, with an attendance of twenty-five hundred, one-half of the total, were located in Minnesota. By 1900 the sixteen had grown to twenty schools, having property worth $500,000, one hundred and

[10]See catalogs of these institutions.

[11]Several of the Norwegian and Swedish weekly papers supported by the different denominations publish regularly lists of donors to particular schools, stating the amount of money, or the nature of the articles given, enumerating the books, quantities of fuel, clothing, etc.

[12]Bille, *History of the Danes in America*, 20-24,—an excellent account of some of these attempts.

sixty teachers, and three thousand students.[14] In that state, however, and in others like North Dakota, these schools are likely to follow the same course as many of the schools of other pioneering Protestant denominations, and become little more than preparatory schools on the one hand, or theological seminaries on the other, leaving to the State university the maintenance of higher education in every field save arts and theology. Even as secondary schools, not many of them will be likely to survive the third generation of the original immigrants, unless they are much better endowed than any one of them is at the present time.[15] The Red Wing Seminary (Hauge Synod) of Red Wing, Minnesota, founded in 1878, is essentially an ordinary private secondary school with a theological course attached, and three-fourths of its work is conducted in English.[16] Bethany College at Lindsborg, Kansas, one of the three prosperous Swedish colleges, and perhaps the most ambitious, is substantially an English-speaking college, with nine departments of instruction, and in 1912 a registration of 919. Only in the classes in Swedish language and literature is the instruction given in Swedish, tho "Swedish is required of all students preparing to enter the ministerial work of our Swedish Evangelical Lutheran Church."[16a] Luther College, the Norwegian institution at Decorah, Iowa, has followed along the same course only not quite so far. Several years ago the proportion between English and Norwegian as media of instruction was slightly in favor of the English in the

[14]Nelson, *Scandinavians in the United States* (2nd ed.), 317 ff.

[15]*The World Almanac and Encyclopedia*, 1914, 599-609.

	Instructors	Students	Prod. Fds.	Income
Augsburg Seminary	8	173	40,000	20,000
Augustana College	31	629	414,356	101,923
Bethany College (Kan.)	44	893	55,777	93,166
Gustavus Adolphus College	23	348	75,000	35,328
Luther College	16	213	272,408	37,000
St. Olaf College	32	550	250,000	74,000

[16]Interview with Professor G. O. Brohough, August, 1906. See Nelson, *Scandinavians in the United States*, I, 179-180.

[16a]*Catalogue of Bethany College, 31st Academic Year* (1912), 54.

college classes; in the classes in the preparatory department, in the literary societies, and in the conversation of the students, English was decidedly predominant.[17] The practice of this, the oldest, and in some respects the soundest and most influential, of the Scandinavian colleges, is sure to be adopted by the lesser schools which survive their adolescence.

From a religious standpoint, the most noteworthy characteristic of Scandinavians wherever found, is their intense Protestantism. Everywhere and always they are uncompromising enemies of the Roman Catholic church, and there are barely enough Catholics among them in Europe and in the United States to prove that it is possible to convert one of them to that faith. In fact, their dislike of Catholicism is an instinct coming down from Reformation times rather than a matter of experience or close-at-hand observation; but so strong is this feeling that it colors, consciously or unconsciously, their relations in politics and society in the United States. Their distrust of the Irish is at bottom more a religious than a racial instinct, even when it takes an active form. While this dislike and suspicion are still real and large, it has undoubtedly been reduced by the breaking-up of the old rigid lines of Lutheranism, which has taken place in the last two decades in the United States.

Each of the three peninsular kingdoms of Northern Europe has an established Lutheran church, administered by bishops, which holds still the great majority of the people. Toleration has been generally practiced for a half century, the sole exception being the ban against Jesuits in Norway.[18] Of all the Protestant churches, none is more rigidly orthodox than the Lutheran, none is more unwilling to admit changes in its traditional creed; only a few years ago, the Norwegian Synod in America re-affirmed its belief in the literal inspiration of the Bible.

[17] A. Estrem, "A Norwegian-American College," *Midland Monthly*, I, 605-611.

[18] *The Statesman's Year Book, 1900*, 491, 1048, 1062.

Yet in spite of this conservatism, the Lutherans settled in the United States have invariably rejected the episcopal form of government, and have organized upon a more or less democratic basis. No matter how loyal they were to the Establishment in the Old World, a bishop has not appeared to be necessary to their happiness or salvation in the New. The Lutheran Church proper has kept within its folds a much larger percentage of Swedes than of Norwegians in the United States, the characteristic independence of the latter leading many of them even farther than mere separation from the mother-church. The persistence of the centrifugal force of dissent shows itself again and again in the violent polemics and divisions which have marked the course of Norwegian church history in America.[19] While this divisiveness may in some degree be due to the fashion set by the early settlers of whom many were dissenters, probably the deeper cause is to be found in the general freedom from religious restriction and prescription which characterizes the whole United States and especially the West.

Even the more extreme sects, in regard to belief and practice, have been recruited from among the Scandinavians both before and since their coming to this country. The Mormons were early at work as missionaries in Northern Europe and, as has been stated above, won many converts, particularly in Denmark, from whose immigration Utah mainly profited. In 1900 Utah had a total foreign-born population of 53,777, of whom 9132 were Danes; 7025, Swedes; and 2128, Norwegians. The real result of the missionary work, however, is better seen in the figures for persons having both parents born in a specified country and residing in Utah in 1900: Danes, 18,963; Swedes, 12,047; Norwegians, 3,466; total, 34,476.[20]

[19]Gjerset, *"The United Norwegian Lutheran Church,"* in Nelson, *History of the Scandinavians,* I, 229-242.

[20]*Twelfth Census, 1900, Population,* Pt. I, Tables 33 and 39; H. H. Bancroft, *Utah,* 441, 431; Montgomery, *The Work Among the Scandinavians,* 8. Mr. Montgomery, the superintendent of Minnesota for the American Home Missionary Society (1886), laments the fact that very

The American churches and missionary societies were not unmindful of the needs of the Scandinavians scattered over the Middle West in the early days of its development, and in zealous and effective fashion gave them aid. The work of the Hedström brothers in New York and in the West, already described, reflects credit on the Methodist Church. Once at least, help came to them from an unexpected source: Jenny Lind, the "Swedish Nightingale," devoted to charity the proceeds of a concert in New York, in November, 1850, and among the items of the distribution of the total of $5073.20 by a committee, is "To the Relief of the Poor Swedes and Norwegians in the city of New York per the Rev. Mr. Hedström, $273.20. To the distribution of Swedish Bibles and Testaments, in New York."[21] Besides the Bethel Ship in New York Harbor (1845), this same church established a Scandinavian mission in the Rock River Conference, in Illinois, in 1849, and two others in Iowa and Wisconsin in 1850. Three years later the report showed two Swedish missions with four missionaries, and two Norwegian missions with four missionaries.[22]

The American Lutheran churches undertook to aid their co-religionists, and in 1850 the Pittsburg Synod and the Joint Synod of Ohio each sent one of its ministers into the Northwest, but the epidemic of cholera caused them to hurry back to their former homes.[23] The real support of some of the immigrant Lutheran missionaries came from the American Home Missionary Society (Congregational). One of the men thus assisted was Paul Anderson

large numbers of the Scandinavians "have become converts to Mormonism, and have 'gathered' to Utah," and adds further: "I have before me the official statistics of the Mormon church (not easily obtained) giving a report of their missionary work in Scandinavia for each year from 1851 to 1881. They report that their converts in these lands during these thirty-one years reached the enormous total of 132,766 persons, and that of these 21,000 emigrated to Utah." From a beginning of four elders of the Mormon church at work in Denmark, Sweden, and Norway in 1850, the force increased to sixty-one missionaries at work in 1881.

[21]Rosenberg, *Jenny Lind in America*, 79.

[22]Simpson, *Cyclopedia of Methodism*, 785.

[23]*The North*, Aug. 30, 1893, quoting from *The Workman*.

(Norland) who came from Norway in 1843, and received a part of his education in the new Congregational college at Beloit. He was chosen pastor of the first Norwegian Lutheran Church in Chicago in 1848, and journeyed to Albany, New York, to be ordained by a Lutheran minister, but he nevertheless served under a commission from the Congregational Society, and made reports to it for several years.[24]

In a similar manner this Society supported for several years the missionary labors of Lars Paul Esbjörn, a graduate of Upsala University, who was ordained a Lutheran clergyman when he emigrated in 1849, and likewise the labors of T. N. Hasselquist. Esbjörn was appointed a missionary of the Society in December, 1849, on the recommendation of the Central Association of Congregational Ministers of Illinois, to whom he presented his credentials and by whom he was examined and received into the Association.[25] He was re-appointed year by year, making reports from 1851 to 1854.[26] Hasselquist makes acknowledgment of his obligations to the Society in a letter of July, 1853, saying that he rejoices "in connection with your in the highest sense benevolent Society, without which it would have been impossible for me to do for my scattered countrymen what I have done. I give

[24]Jensson, *American Lutheran Biographies,* 25 ff; *The Home Missionary,* XXII, 263, 264; XXIII, 119. In Anderson's report for 1850 is an account of a visit to Dane County, Wisconsin, where 'one of the Formalists,' after five years of labor had failed to bring much enlightenment. "There are some four thousand or more Norwegians in one settlement, about three-quarters of whom are members of this man's church, and the rest are sheep without a shepherd. They had had preaching there for the last five years, but such gross immorality I had never witnessed before. . . . We have no reasonable ground to hope that a single individual of those three thousand souls is converted to God; for all are intemperate and profane. . . . Of all I saw (and I saw a great many) two out of three were intoxicated, or had been drinking so that it was offensive to come within the sphere poisoned by their breath; and of every two I heard talking together one or both profaned their Maker."

[25]*The Home Missionary,* XXIII, 250, 263.

[26]*Ibid.,* XXIV, 238; XXIV, 287.

humble thanks to the Home Missionary Association which out of Christian benevolence helps to build up the Kingdom of Christ among scattered Swedes who are almost all very poor, but still love the word of God."[27] In 1852 the Society appointed the Rev. Ole Anderson [Andrewson?] to the charge of the Scandinavian church in Racine, Wisconsin, and two years later he reports to the Society from La Salle County, Illinois.[28]

Since the Civil War and the great increase in the numbers of immigrants, the home missionary efforts of the Methodists, Congregationalists, and Baptists have been carried on with persistence, if not always with perfect wisdom. In 1911 the Methodists had five Swedish Conferences with 222 churches, a membership of about 18,000, and property valued at upwards of $2,000,000, and two Norwegian-Danish Conferences, with 119 churches, 6,300 members, and property worth $400,000.[29] The cost of this work to the Methodist Missionary Society is not far from $50,000 per year.[30] The Baptists began their proselyting work in Norway and Sweden, and have prosecuted it steadily in the Northwest since the establishment of the first Swedish Baptist church in Rock Island, Illinois, in 1852. In 1912 the church reports showed 18 Swedish conferences, 374 churches, 28,000 members, and current income of about $350,000, and also eleven Norwegian-Danish conferences, 94 churches, 5,900 members, and current income of $65,500.[31] The Congregationalists have pushed their denominational interests in like manner, and in 1913 had about one hundred churches, with rather more than six

[27] *The Home Missionary*, XXVI, 73.

[28] *Ibid.*, XXV, 77; XXVI, 268.

[29] Liljegren, "Historical Review of Scandinavian Methodist in the United States," in Nelson, *History of the Scandinavians*, I, 208; *The Methodist Year Book, 1912*, 42-45.

[30] Nelson, *History of the Scandinavians*, I, 337; *The Methodist Year Book, 1912*, 90-92.

[31] Newman, *A Century of Baptist Achievement*, 126; Nelson (and Peterson), *History of the Scandinavians*, I, 202; *Annual of the Northern Baptist Convention, 1913*, 189.

thousand members.[32] Besides these churches regularly connected with the Congregational organization, there are about one hundred congregations of the Swedish Mission Union, and the group of independent congregations whose faith and practice are closely allied with those of the Congregationalists.[33] The Unitarian church has endeavored to organize congregations, spending $25,000 on one church in Minneapolis in sixteen years.[34] A few Protestant Episcopal parishes also exist among the Swedes, chiefly in the large cities.[35]

The three denominations first mentioned have for many years maintained, in their respective western theological seminaries, departments or professorships for the education of young men for ministerial service among the immigrants from the Northlands. At the Chicago Theological Seminary (Congregationalist) the Dano-Norwegian department was organized in 1884, with one professor and two students; in the following year a Swedish department was added, the professor being chosen from the Swedish Free Mission Church. In 1906 these two departments had each two professors and respectively thirteen and twenty-seven students, and published a religious paper, *Evangelisten*.[36] Besides the Garrett Biblical Institute (Methodist), Northwestern University has two similar departments, with thirty-one students in the Swedish, and sixteen in the Norwegian-Danish section.[37] In the Divinity School of the University of Chicago (Baptist), the same departments appeared up to 1912; in 1897 there were twenty-two students in the Dano-Norwegian Department, and thirty-five

[32]*Congregational Year Book,* 1914. Cf. Nelson, *Scandinavians in the United States,* I, 346; Montgomery, *Work among the Scandinavians* (1888), and a *"Wind from the Holy Spirit" in Norway and Sweden,* 7-8, 109-112.

[33]Söderström, *Minneapolis Minnen,* 231-236.

[34]*Cosmopolitan,* Oct., 1890; Nelson, *Scandinavians in the United States,* I, 337; Söderström, *Minneapolis Minnen,* 249-250.

[35]Söderström, *Minneapolis Minnen,* 237-241.

[36]*Year book of the Chicago Theological Seminary,* 1906; Montgomery, *The Work Among the Scandinavians* (1888), 9-12, 22.

[37]*Catalogue of the Northwestern University,* 1913-1914, 379-380, 478.

in the Swedish; for 1905, the corresponding figures were twenty-four students, with one professor and two instructors, and thirty-four students, with two professors and one instructor. Both departments were dropped after 1913.[38]

So far as the movements represented by these missionary endeavors and by the organization of schools help to furnish church privileges to those beyond the reach of other Protestant churches—since the Catholics are out of the question—they are admirable, accomplishing much good. But when they cease to be efforts to extend religious opportunities, when they are mainly devoted to swinging men and women already Christian from one denomination to another, they simply add one more factor to the inexcusable competition which too often characterizes the home missionary activity, even when it does not degenerate into a mere scramble for denominational advantage. The results in very many cases have been sadly disproportionate to the expenditures.[39]

Not all the forces, however, have been centrifugal; the divided body of Lutherans has attempted, with varying success, to effect permanent union. Since 1890 the centripetal reaction has been strong, gaining impetus from the highly significant efforts of the branches of the Norwegian Lutherans in a synod held in that year in Minneapolis, to create a single organization. The United Norwegian Lutheran Church, formed June 13, 1890, was made up of the Norwegian Augustana Synod, the Norwegian-Danish Conference, and the Anti-Missourian Brotherhood, thus becoming the strongest of all the American Norwegian churches, numbering 1,122 congregations, about 120,000 members, and having property valued at more than $1,500,000.[40] But old antagonisms and animosities, generated in the bitterness of religious controversy, were not easily

[38] *Annual Register of the University of Chicago,* 1904-5; 1912-1913, 311.

[39] Nelson (and Skordalsvold), "Historical Review of the Scandinavian Churches in Minnesota," *History of the Scandinavians,* I, 335-349.

[40] *Ibid.,* I, 236ff.; Jacobs, *History of the Evangelical Lutheran Church in the United States,* 513; *Minneapolis Tribune,* June 14, 1890.

overcome, and disputes soon arose to disturb the life of the United Church. The chief of these related to the control of certain educational institutions, especially Augsburg Seminary (theological) in Minneapolis. So acute was the factional quarrel that it was taken into the courts in 1893, and continued on until 1898, when the "Augsburg strife" was settled out of court by mutual agreement. Meantime the Augsburg party had withdrawn from the United Church, taking some 40,000 members, keeping the Seminary, worth about $60,000, but giving up to the United Church the endowment fund of about $40,000.[41] In spite of factions, secessions, and the expulsion of twelve congregations, the United Church as a whole prospered. Its annual report for 1905 gave the following statistics: congregations, more or less closely affiliated, 1,325; ministers and professors, 453; communicants, 267,000; property, $715,000.[42] While the United Church was the largest, there were no fewer than four other branches of Norwegian Lutherans in 1914.[43]

In contrast with the Norwegians, the Swedes have manifested a commendable unity in keeping the faith once delivered to them by the fathers, the chief exception being the Swedish Evangelical Mission Covenant, which can scarcely be called Lutheran. The great Swedish Lutheran Augustana Synod, one of the constituent members of the General Council of the Evangelical Lutheran Church in America, stood staunchly united in the midst of many changes in other branches of the church. Under the broad name of the Scandinavian Evangelical Lutheran Augustana Synod of North America, which comprised both Norwegians and Swedes down to 1870, it grew rapidly, setting its face sternly against the New Lutheranism which sought to modify the old rigidity of doctrine and practice. In

[41]Nelson, *History of the Scandinavians,* I, 217-224, 263; *U. S. Eleventh Census, 1890,* Churches, 452.

[42]*Beretning om det syttende Aarsmöde for den Forenede norsk lutherske Kirke i Amerika,* 140 and LVI.

[43]*World Almanac and Encyclopedia, 1914,* 538-539.

1894 the word Scandinavian was dropped.[44] By 1899 the Synod represented 900 congregations, 200,000 members, and a material estate of $4,200,000.[45]

The break-up of the Lutheran church is not wholly to be regretted when viewed in relation to the process of Americanization, for the church has usually been a stronghold of traditionalism and conservatism. Perhaps, too, the vigorous religious and ecclesiastical disputes, wasteful of energy and of money as they sometimes seem, have contributed to a wholesome and pervasive intellectual activity not altogether unlike the results of the Puritan disputations. So careful a student of Northwestern immigrants as Mr. O. N. Nelson is inclined to the opinion that the contentions of the Lutherans may have benefited the church. "Close observation has convinced us that if there had been peace instead of war, the Norwegian Lutherans in the State (Minnesota) would have numbered several thousand less than they do. It may not seem pious to say so, but many a worldly-minded Viking has become so interested in the fight that he has joined the faction with which he sympathized in order to assist in beating the opposing party."[46]

The church services in the great majority of cases are still conducted in the mother-tongue. In the United Norwegian Lutheran Church, in 1905, for example, the services in Norwegian numbered 30,407 as against 1,542 in English, and out of 1,300 congregations reporting, no more than six held services in English only, including two large congregations in Chicago and Milwaukee.[47] Five other congregations conducted more services in English than in Norwegian; in ten localities the numbers were equal; and in twenty-two, they were about equal, making a total of

[44] Nelson, *History of the Scandinavians*, I, 219.

[45] *Ibid.*, I, 217; Carroll, *The Religious Forces of the United States* (rev. ed.) 190.

[46] Nelson, *History of the Scandinavians*, I, 339.

[47] *Beretning om det syttende Aarsmöde for den Forenede norsk lutherske Kirke i Amerika, 1906*, XLIV.

forty-three in which English figured prominently.[48] The Hon. N. P. Haugen, speaking on Norway Day at the World's Columbian Exposition, in Chicago, commented on the fact that a Lutheran church had just been dedicated, in which English alone would be used, and said significantly: "Twenty years ago our theologians would not have entertained such a proposition."[49] Now the younger Lutheran preachers are expected to be able to preach both in their mother-tongue and in English.

The conduct of services in non-English languages will and should continue so long as there is a considerable body of men and women who emigrated too late to learn the new language well enough to stand that final linguistic test, the power to worship genuinely and satisfyingly in the adopted speech. This means that the churches will use the foreign speech until the generation of the foreign-born ceases to be predominant, and in the cities, perhaps while the second generation is in the majority; but children who receive their education in the public schools or other English speaking schools, will require that their religious instruction and their devotional exercises be conducted in English.

The children and grandchildren of the immigrants, except in certain large and compact settlements, chiefly in the cities, prefer English, and commonly use that language in conversation and in correspondence with each other. In the Swedish and Norwegian wards of such cities as Chicago, Minneapolis, St. Paul, and Rockford, and in a county like Goodhue in Minnesota, where the presence of large numbers of the foreign-born makes the use of the foreign tongue imperative in the homes, streets, markets, and places of business, and where the news is read in a Scandinavian daily or weekly, the tendency to keep to the speech of their ancestors is strong. The preacher and the politician alike understand this, and the literature, speeches, and even the music, in the campaigns for per-

[48] *Ibid.*, II-LV.

[49] *Daily Skandinaven*, May 24, 1893.

sonal and civic righteousness are presented in no unknown tongue, as the theological seminaries and Scandinavian departments in other institutions, and the Swedish and Norwegian political orators in critical years, bear abundant witness.

Co-ordinate with the school and the church, as a social force to be estimated, is the press. Newspapers and periodicals of various sorts in foreign languages inevitably follow the settlement of any considerable number of aliens in a given community, for people of education and ambition will look in a familiar medium for their news and gossip, their instruction in commerce and politics, as well as their teaching in religion. So the Chinese and Japanese on the Pacific Coast, no less than the Germans, Italians, and Greeks on the Atlantic, have their dailies and their magazines. Since the three Norse peoples, practically without illiteracy and with active and ambitious minds, have settled in a large number of moderate-sized communities, frequently isolated from each other, and since their differences of opinion in matters religious and ecclesiastical are often positive and aggressive, the number of their publications of all kinds since the middle of the last century is curiously large, and quite as remarkable for their migratory and short-lived character.

The newspapers usually serve as the chief means of keeping informed concerning the general news of the European home-lands, as well as of the United States. Nearly all the larger papers publish regular European correspondence, summaries of events, letters, and clippings, under such headings as "Sverige," "Fra Norge," etc.[50]

The newspapers and magazines render another service by the publication, on the instalment plan, either as a part of the regular columns or as inserted sheets, of standard works of the great Scandinavian writers or of translations of the masterpieces of English and American authors. Since these novels, essays, and histories are so printed that they may be folded up and form a pamphlet for preserva-

[50] *Gamla och Nya Hemlandet*, Apr. 8, 1903.

tion, the periodical serves both as newspaper and library. "It was the Swedish-American press which caused the Swedish literature, as it is in America, to spring up."[51]

The dailies of Chicago, Minneapolis, and Duluth, in particular, publish every week scores of communications from subscribers in all parts of the Northwest, in a department devoted to neighborhood news or gossip. The old settler writes his reminiscences, sometimes a brief letter called out by some event, sometimes at great length, like the Rev. J. A. Ottesen's "Contribution to the History of our Settlements and Congregations," which ran through eleven numbers of the weekly paper *Amerika*, from April to September of 1894, and gave very minute details of immigrant families unto the third and fourth generation, as they had passed under the kindly eye of the patriarchal old pastor in his service of forty years among them.[52] Great numbers of these communications relate to the conditions and prospects of local settlements as viewed from the settler's standpoint—crop conditions, market prices, wages, opportunities for labor, nature and prices of nearby land, schools, religion. As a revelation of the real mind of a community or of an element of the population, showing the inducements and motives operating upon the immigrant, and his response, they are exceedingly valuable, and in some important respects almost unique.

The editors and business agents of the larger and more enterprising Scandinavian papers very early began making journeys about the country, especially into the newer parts, in the interests of their papers; incidentally they were spying out the land for themselves, but indirectly they were furnishing first-hand observations of frontier conditions to the hundreds who were moved to reinvest themselves and their small accumulations. One of these "circuit riders" was Johan Schröder, editor of *Fædrelandet og Emigranten*, founded at La Crosse, in 1864, who published a little book of information for immi-

[51] *Gamla och Nya Hemlandet*, April 8, 1903 (translated).

[52] "Bidrag til vore Settlementers og Menigheders Historie."

grants in 1867, after one of his extensive journeys among the settlements.[53] Three years later he made a trip into Minnesota as far as Otter Tail County—"En Snartur i Nordvesten"—and was deeply impressed with the possibilities of that fertile section, to which many men of his nationality were already looking, as the Newtown folk in Massachusetts Bay looked in 1636 toward the Connecticut country, with a "strong bent of their spirits to move thither." Such words as these were as seed sown in good soil: "So far as I have journeyed about in the prairie counties of Minnesota and Iowa, I have not yet met with any county which in multiplicity of natural resources can come up with Otter Tail. Immigration this year is very strong. Both newcomers direct from Norway, and older farmers from Iowa, Wisconsin and Southern Minnesota take their various ways thither."[54] The "America fever" of the Old World was now the "West fever," and again more of the "West fever."[55] These articles were not mere generalizations, but often, as in those just quoted from, they gave the exact and practical information the reader would desire—break-up of the prairie would cost $25 or $30 for five acres on which to grow wheat and potatoes, cash to be had by working on the nearby railroad at $2.50 per day, salt to be had at five cents per pound, butter could be sold for ten cents per pound, fish and game were abundant,—also mosquitoes![56]

The first of a long line of Swedish, Norwegian, and Danish periodicals in the west, was a little paper called *Nordlyset* (Northern Light), which began publication in the Norwegian colony in Racine county, Wisconsin, in 1847, with James D. Reymert as editor. It was a small

[53]This valuable little book bore the title *Skandinaverne i de Forenede Stater og Canada, med Indberetninger og Oplysninger fra 200 Skandinaviske Settlementer. En Ledetraad for Emigranten fra det gamle Land og for Nybyggeren in Amerika.*

[54]Translated from *Fæderelandet og Emigranten*, July 21, 1870.

[55]Schröder, *Skandinaverne i de Forenede Stater og Canada* (1867), 53.

[56]*Ibid.*, 53; also a two-and-a-half-column article "Vink til Nysettlere i Minnesota," in *Fædrelandet og Emigranten*, June 29, 1871.

four-page sheet which at the start espoused the cause of the Free Soil party. In 1850 it changed hands, and was re-christened *Demokraten;* tho its subscription list increased to three hundred, the venture proved a failure.[57]

After 1850 the number of Scandinavian newspapers and religious periodicals multiplied rapidly. Langeland, himself an editor and publisher of the time, mentions five of these publications on the Norwegian side alone in the decade following 1850.[58] *Skandinaven*, whose foundation marks an era in the Scandinavian press, dates back to this period. From its small beginnings has grown a great metropolitan daily, with a circulation of 20,000, besides its semi-weekly and weekly editions which have a circulation all over the Northwest of nearly 50,000.[59] In the ten years after 1870, a second expansion in the number of publications took place, tho the fifteen Scandinavian papers given in the list published in the standard newspaper directory for 1870, make an almost insignificant showing by the side of the two hundred and fifty or more printed in America in German.[60]

The Swedish press in the United States began somewhat later than the Norwegian, but it manifested a stability and steadiness of progress which the latter too often lacked. *Hemlandet* was founded in 1855 as an organ of Swedish Lutheranism, but in 1870 it was a political as well as a religious journal, with 4,000 subscribers to the

[57]Langeland, *Nordmændene i Amerika,* 94-107. Langeland succeeded Reymert as editor of *Nordlyset.* A few copies of *Nordlyset, Demokraten, Emigranten,* and some fifteen other early Norwegian papers were found some years ago in the hands of an old Norwegian, Christopher Hanson of St. Ansgar, Iowa. By him they were turned over to Rasmus B. Anderson, then editor of *Amerika. Amerika,* Jan. 4, 1899. Anderson sold the collection for $100 to the United Church in whose Seminary Library it now rests. "Raport fra Komiteen til Indsamling af historiske Documenter," *Beretning om det syttende Aarsmöde for den Forenede norsk lutherke Kirke i Amerika* (1906), 126-128.

[58]Langeland, *Nordmændene i Amerika,* 96-112.

[59]"Den skandinaviske tidnings-pressens barndom i Amerika," *Hemlandet,* Feb. 25, March 4, 1913; Hansen and Wist, "Den Norsk-Amerikanske Presse". *Norsk-Amerikanernes Festskrift,* 1914, 9-203.

[60]Rowell, *American Newspaper Directory,* 1870, 948.

weekly edition, and 2,000 to the monthly,—"the largest circulation of any Swedish political newspaper in this country."[61]

The high-water mark in the number of these publications in the Northern tongues seems to have been in 1892 or 1893, when Rowell mentions 146, of which Minnesota is credited with 33, Illinois with 30, Iowa with 13, and Wisconsin with 10, a total for these four States of 86, with a reported total of 140,000 subscribers, out of 550,000 subscribers for all the Scandinavian papers in the country. By 1901, the number of papers had fallen off—many suspended in the hard times after 1893[62]—but the number of subscribers increased for the whole country to more than 800,000, and for the four States just enumerated, to more than 650,000.[63]

The politics and religion of the papers reflected the variegated opinions of different parties and sects, and of men who would found new parties and denominations, but Lutheranism and Republicanism have been from the start the dominating influences. A historian of Lutheranism named 16 Swedish Evangelical Lutheran periodicals in existence in the United States in 1896.[64] About the same time a Democratic paper remarks grudgingly and sourly: "It is worthy of note that of the fifty or sixty Norwegian papers in the United States, including two dailies, all are Republican tho at rare intervals some may bolt individual nominations. Generally, however, they are amazingly steadfast to party—moss-backed and hide-bound, in fact."[65]

The strong hold which this press exercises upon its subscribers is excellently illustrated in the large sums of

[61] *Ibid.*, 633.

[62] *The North*, Aug. 9, 1893, reports six weeklies "suspended within the past few weeks."

[63] Rowell, *American Newspaper Directory* for years named; *Hemlandet*, Mar. 4, 1903: "De svenska tidningarne i Amerika har nu sammenlagt en prenumerantsiffra som uppgår till 400,000."

[64] Lenker, *Lutherans in all Lands*, 771.

[65] *Madison Democrat*, Oct. 6, 1898.

money raised from time to time through its agency in behalf of sufferers from fire and famine in the North European peninsulas. By editorials and special correspondence, by subscriptions and the publications of lists of contributors, by stimulating concerts for raising relief moneys, these journals have pursued the shrewd, enterprising, and, at the same time, benevolent schemes of advertising, followed by their American contemporaries. In 1893 *Skandinaven* received and remitted to Norway for the relief of sufferers from a landslide in Thelemark more than $2,700.[66] When a great fire nearly destroyed the city of Aalesund, that journal in the winter and spring of 1904 gathered and sent to Norway $19,000, mostly in sums ranging from $.25 to $2.00; at the same time *Decorah Posten* remitted more than $12,000 for the same purpose.[67] The great famine in northern Sweden and Finland in 1902-3 gave rise to a similar collection of money; the editor of the *Svenska Amerikanska Posten*, the powerful Swedish newspaper of Minneapolis, headed the list for his paper, and at the end of several months the contributions through this one journal reached the total of approximately $18,000.[68] Of course not all the money so liberally poured out to aid the unfortunate by the Baltic or the North Sea, was transmitted through the agents of the newspapers, but it is true that almost the sole inspiration for the gifts came more or less directly from the Scandinavian press. Probably out of $175,000 sent from the United States to the famine sufferers in 1903,—and America's quota was about one-half of the total handled by the Swedish central committee in Stockholm—the newspapers were instrumental in raising fifty per-cent.[69]

[66] *Skandinaven*, May 3, May 31, 1893.

[67] *Ibid.*, Jan. 27-April 30, 1904; *Dannevirke*, March 30, 1904.

[68] *Svenska Amerikanska Posten*, Feb. 17, June 30, 1903.

[69] *Hemlandet*, Feb. 25 (quoting from *Nya Dagligt Allehanda* of Stockholm for Feb. 7), July 15, Aug. 19, 1903.

CHAPTER X.

Social Relations and Characteristics

While the normal unit in Scandinavian immigration is the family, a considerable proportion of the immigrants has consisted of young, unmarried men and women. Not infrequently the young man left behind him a sweetheart who followed a little later when a solid foundation was laid for the prospective family; or perchance, if sufficiently prosperous, he went back at some Christmastide to marry her and bring her to America. In any case, the farm meant a home, and the marriage back of it was generally between two of the same nationality. Still, intermarriages between Scandinavians and persons of American or of other alien stock, are not infrequent, tho the number and significance of such marriages is more a matter of personal opinion and estimate than of exact statistics, since the latter are lacking. The opinions expressed in this chapter are based upon the inconclusive figures of the census reports, upon a study of a large number of brief biographies, and upon a considerable acquaintance with conditions in the Northwest. The biographies, it should be noted, are almost exclusively of men of Scandinavian birth, whose intermarriage with American women is less common than that of American men with Scandinavian women.[1]

Before the flood tide of immigration in the period beginning about 1880 brought to America so many young, unmarried women, intermarriages were more infrequent than in the later time. Hence the discussion of the matter in the Census Report of 1880 would not necessarily hold true for the subsequent period: "There is but one im-

[1]Bremer, *Homes of the New World*, II, 222, 227, 236; Nelson, *History of the Scandinavians*, I, 372, 380, 384, 404, 423, 429, 438, 504, 530.

portant element (other than the Irish) which manifests an equally strong indisposition to intermarriage, viz., the Scandinavian. This element appears in an important degree in but few of the States and Territories embraced in the following tables, but in these the effects of intermarriage are slight. Thus in Wisconsin, while there are 42,728 persons born on our soil having both Scandinavian father and Scandinavian mother, there are but 2,083 persons having a Scandinavian father and an American mother. In Dakota, the respective numbers are 10,071 and 418; in Minnesota 69,492 and 1,906. . . . It will be noted that in some of the States and Territories where the Scandinavians are few and where it is notorious that they are thoroly mingled with the general population, the proportion of intermarriages is not a low one."[2] The figures for the children of such mixed marriages given in the reports of the Twelfth Census certainly reveal a decided increase in the number, especially when the necessary allowance is made for the decreasing birthrate naturally incident to the development of urban communities and to filling up of States, which took place between 1880 and 1900.[3]

In these two decades, large numbers of young unmarried women, moved by the same economic motives as the young men, came to the United States and took service among the Americans as domestic servants. The demand for capable and well-trained servants far exceeded, and still exceeds, the visible supply, and the wages which seemed high to the American housewife seemed trebly high to the girl who received in cash wages in the old home only $20 or $30 per year.[4] In the new service the girls must perforce learn English rapidly or fail, so they learned the language and also the ways of the American household. In return they gave an honest, good-tempered, and

[2] *U. S. Tenth Census, 1880,* I, 676.

[3] *U. S. Twelfth Census Reports, 1900,* I, *Population,* Pt. 1, CXCIII, and Tables 43, 46, 56.

[4] *U. S. Consular Reports* (1887) No. 76, 148; Young, *Labor in Europe and America,* 681.

trustworthy if sometimes clumsy service. If they were not always evidently grateful for the instruction and patience of the mistress of the household, if frequently they married soon after they were trained into efficient and satisfactory servants, they should not be condemned wholesale! While the marriages of these strong, healthy, intelligent, domestically capable young women with non-Scandinavian young men of the middle and lower classes constitute the larger proportion of intermarriages, the intermarriage of the American-born Scandinavian girls, trained in the public schools and colleges, with American men is also frequent, and no reservation as to the mixture of social classes needs to be made.

Large families have been a promient characteristic of the home life of the Northmen in America's Northwest. Race suicide should not be charged against the Scandinavians either in their new homes or in their old, for in spite of the steady drain which emigration has made upon the population of Sweden, Norway, and Denmark for fifty years, each country in each decade has shown an increase of population, due solely to natural increase.[5] In America this natural fecundity was re-enforced by the conditions under which settlement was made, for large families are characteristic of the early years of a developing agricultural frontier. So when the Scandinavians entered the newly-opened regions of the Great West and found land and food abundant, both immediately and prospectively, they felt no necessity for enforcing prudential or other checks upon the increase of population. Putting the case more positively, circumstances put a premium upon families with numerous children; the farmer welcomed additions to his circle of boys and girls who would grow up into helpers upon the expanding cultivated acreage of the farm, and later take up land near the original homestead, buttressing it with prosperous allied homes. Families of ten and twelve were common, while others reached sixteen,

[5] *Special Reports, Bureau of the Census*, "Supplementary Analysis and Derivative Tables" (1906), 32-33.

eighteen, and even twenty-four.[6] In his remarkably detailed reminiscences of Norwegian settlers in Wisconsin and the further Northwest, the Rev. J. A. Ottesen refers to families of his friends and acquaintances, sometimes in exact figures, as seven, ten, or fourteen children, and sometimes in such general phrases as "many children," or "several children," making use of these phrases no less than seventeen times in three columns of a single article.[7]

An examination of several thousand biographical sketches of Danes, Norwegians, and Swedes who have attained some degree of success in the American West, the very class which would first begin to limit the size of the family, leads to the conclusion that the average number of children per family among them is between four and five. In other words the average is nearly double that of the United States taken as a whole.[8]

Closely connected with this immigration of so many young, unmarried girls of the servant class, is the question of sex morality and illegitimacy. The statistics relating to this question are particularly unsatisfactory so far as the United States is concerned, even for a land where the scientific statistician is a recent product, and where the collection of social statistics, left mainly to the States and to local authorities, is very loosely carried on. The motives for concealment and for prevarication are obvious, and the records of municipal courts, even if closely inspected, would not give much more than a scant minimum of information applicable to an estimate of the Scandinavian element in the population.

[6]Sparks, *History of Winneshiek County, Iowa,* 110; *History of Fillmore County* (Minnesota), 377 ff., 434 ff.

[7]J. O. Ottesen, "Bidrag til vore Settlementers og Menigheders Historie," *Amerika,* April-September, 1894, especially July 4.

[8]These biographies are numerous in the many county histories which appeared between 1880 and 1890 as the work of a syndicate of publishers; they are also the staple of the latter half of such works as Johnson and Peterson, *Svenskarne i Illinois,* and Nelson, *History of the Scandinavians,* I, and II. All the Scandinavian newspapers print many similar sketches, biographical, autobiographical, and obituary.

To judge from the figures given for certain cities in Norway and Sweden, it would be natural to expect a much higher percentage of illegitimate births among the immigrants from those countries than among persons of American ancestry. The United States Consul at Stockholm reported for 1884 for the whole of Sweden that 10.2% of all births were illegitimate; for the city of Stockholm alone, 29.3%.[9] Twelve years later the figure for the whole kingdom was 11%.[10] For Norway, the figure for the kingdom was 7.2% for 1896; in the city of Christiania, 15.4% of the 5,349 births in 1895 were illegitimate.[11]

Such statistics are certainly ominous, whatever the allowance which should be made for peculiar social conditions in Europe, which make the begetting of children after betrothal and before actual wedlock a less heinous offence against good order and morality than in America. But over against these startling figures stands the fact that it does not seem to be harder to maintain order and decency in cities like Minneapolis and St. Paul, or in the Scandinavian wards of Chicago, than it is in Detroit or Boston, or in the other alien quarters of Chicago itself. Nor does an inspection of the court and police records of cities of the Northwest for crimes and offences against decency, or against women, give cause for any special alarm for the future morality of the Scandinavians of that section.

For a safe and conclusive estimate of the contributions made by the Scandinavian element to the delinquent and defective classes of society, no very complete or satisfactory data are at present to be had. A detailed study of the statistics of these classes in Wisconsin and Minnesota warrants the judgment that the immigrants from Northern Europe, and their immediate descendants, have

[9] *U. S. Consular Reports (1887)*, No. 76, 151; Young, *Labor in Europe*, 689. C. C. Andrews, U. S. Minister to Sweden, 1873, states: "The proportion of illegitimate births, including the whole kingdom was 5.85%, but including only cities, the proportion of illegitimates was 14.32%."

[10] *Statesman's Year Book, 1900*, 1048.

[11] *Ibid.*, 1062; *Folkebladet*, Feb. 5, 1896.

a much smaller percentage of paupers and criminals and a much larger percentage of insane, than do either the Germans or the Irish, the two other alien elements which approach the Scandinavians in importance in those States.[12] But these statistics are at best unconvincing, because they are acknowledgedly incomplete, and because in them little attempt is made to distinguish between the children of American descent and those born of immigrant parents in America.

The experts working out the interpretation of the results of the Twelfth Census (1900) have made distinct progress towards a fair comparative judgment in matters relating to social classes and conditions. John Koren, for example, the son of the veteran Norwegian Lutheran pastor, the Rev. V. Koren, and an investigator and writer of unusual weight, points out that the insane in hospitals are at least ten years of age, while there are few children under fifteen among the immigrants as compared with the number under that age among the native whites, and he accordingly concludes that "Of the whites at least 10 years of age in the general population of the United States in 1900, 80.5% were native and 19.5% were foreign-born; while of the white insane of known nativity enumerated in hospitals on December 31, 1903, 65.7% were native and 34.3% were foreign-born. Relatively, therefore, the insane are more numerous among the foreign born whites than among the native."[13] How much more convincing is such a cautious and careful estimate than the sweeping generalizations of another recent writer: "Roughly speaking, the foreigners furnish more than twice as many criminals, two and one-third times as many insane, and three times as many paupers as the native element."[14]

[12]A discussion of these statistics for 1885-1890 is given in *The Forum,* XIV, 103. The reports of the superintendents of some of the institutions give more or less of the history of each case. See Nelson, *History of the Scandinavians,* II, 1-23.

[13]*Special Reports, Bureau of the Census,* 1904, "Insane and Feeble-minded in Hospitals and Institutions," 20.

[14]Hall, *Immigration,* 166.

The statistics for the insane in hospitals at the end of 1903 and of those admitted during 1904, as given by Mr. Koren, show a strikingly high percentage of insane persons of foreign parentage in Wisconsin, Minnesota, North Dakota, and Iowa. No other State comes within ten per-cent of the ratio of the first three. Of those enumerated in December, 1903, 56% in Wisconsin, 48% in Minnesota, 52% in North Dakota, and 34% in Iowa, were of foreign parentage; the percentages of the admissions for 1904 were 53% in Wisconsin, 55% in Minnesota, and 33% in Iowa.[15] In all these States the Scandinavian element has been numerous for at least two generations. Figures gathered for this study for the period between 1885 and 1895, before the children of the Scandinavian immigrants reached in very considerable numbers what might be termed the age for acquiring insanity, gave similarly significant conclusions. Of the inmates of the state hospitals for the insane in Minnesota, the foreign-born Scandinavians were 28% in 1886 and 30.7% in 1890; of the admissions to the state hospital at St. Peter in 1890, 35% were Norse. Of the total admissions for the State in 1900, 23% were Scandinavians, while in the Fergus Falls hospital, located in the heart of a more recently settled Scandinavian area, 40% were of that nationality; Wisconsin reports show like percentages.[16] All of these statistics warrant the general conclusion that of all the foreign-born, the Scandinavians are the most prone to insanity.[17]

[15] *Special Reports, Bureau of the Census,* "Insane and Feebleminded," 21.

[16] *Minnesota Executive Documents, 1900*—statistics for the insane for 1890, 1896, and 1900; *The North,* Dec. 18, 1889; *Wisconsin State Board of Control* [biennial], 1890 to 1902.

[17] *Special Reports, Bureau of the Census, 1904,* "Insane, etc., in Hospitals," 21. Nelson, *History of the Scandinavians,* II, ch. i, makes a conscientious, but rather lame, attempt at analyzing available statistics of insanity, and gives his conclusions for two periods, 1881-2 and 1890-4: ratio of insane in total population, 1:2718 and 1:1719; in American-born, 1:4120 and 1:3009; in foreign-born 1:1480 and 1:1144; in Irish, 1:1061 and 1:769; in German, 1:1461 and 1:1439, in Scandinamian, 1:1588 and 1:819.

If one seeks for adequate reasons for this unusual tendency to insanity, he will not find ready satisfaction. Undoubtedly the difference of environment and the severer strain upon muscle and nerve imposed by American industrial conditions, by which the machinery of the individual must run at a higher and unwonted speed, will account for part of the phenomena, but these causes operate alike upon all classes of immigrants. The change from the mountains of Norway, or from the rugged sea-coast of the great Northern peninsula, to the rolling prairies and the vast silent plains of the interior of the United States, has also its depressing effect. The very flatness of the land, its extremes of temperature, the fierce tornadoes of wind, the bewildering, imprisoning storms of snow, with no friendly mountain or forest to offer a body of protection or a face of comfort, and the isolation of the life of the frontier farmer and his family, together with the severity of their labor—all these are causes operating with peculiar force in the case of the Norwegian and Swedish immigrants. Dr. Gronvald, writing in 1887, stated his conviction that the women of these classes, especially the Norwegians, were predisposed to nervous disorders and insanity by early and frequent child-bearing, and from early rising from child-bed.[18]

Since the Norse immigrants have rarely if ever been charged with illiteracy, dependency, pauperism or mendicancy, the remaining social test, usually considered coordinate with that for insanity, is the proportion of criminals contributed to the total of delinquents.[19] Earlier computations must undergo the same severe correction as do the estimates regarding the insane. By 1885 there were

[18]Gronvald, "The Effects of the Immigration on the Norwegian Immigrants," *Sixth Annual Report of the State Board of Health of Minnesota,* 520.

[19]For an interesting background for this discussion, see Grellet, *Memoirs,* I, 324. He wrote in 1818 of a parish named Stavanger, having a population of some 7,000: "We visited their prison and their schools; the former kept by an old woman. She had but one prisoner in it, and had so much confidence in him that the door of his cell was kept open."

in the Northwest large communities made up of the older Norwegian and Swedish settlers and their descendants, and other communities comprising great numbers of recently arrived immigrants. According to the State census of 1885 in Minnesota, the Scandinavians formed 16.5% of the population, and the Germans, 11.5%. The reports of the wardens of the State's prisons for 1886 show 8.7% of the prisoners to be Scandinavian, and 7.4% German. The population of the State during the next five years grew rapidly; the Scandinavian element increased faster than the German and nearly twice as fast as the native American. Yet in 1890 the percentage of the prisoners who could be identified as Scandinavian was only 7.1%.[20]

In Wisconsin, where the increase of population in the last ten years of the nineteenth century was in the native-born of Scandinavian parentage, rather than in the number of immigrants, the reports of the Waupun State Prison may be supplemented by those of the State Industrial School, the reformatory for first offenders between the ages of fifteen and thirty. In 1900, the foreign-born Scandinavian population of Wisconsin was 5% of the total, and the Scandinavian population of foreign-born parentage was 10% of the total.[21] Of the prisoners received at Waupun, the Scandinavians were: 1891, 4.1%; 1898, 4.4%; 1900, 3.7%. Of boys and young men received at the Industrial School, those of Scandinavian parentage were: 1890-1892, 7%; 1896-1898, 6.5%; 1900-1902, 6.6%.[22]

In the matter of petty offences which are usually tried in the police courts, particularly cases arising out of intemperance, the records of convictions in Minneapolis, St. Paul, and Chicago, together with the statistics of city

[20] *Minnesota Executive Documents,* biennial reports of State Prisons for the years mentioned.

[21] *U. S. Twelfth Census,* I, *Population,* Pt. I, Tables 25, 38, 40.

[22] *Reports of the Wisconsin State Board of Control* for the years mentioned.

prisons and workhouses, indicate that the Northmen are clearly the chief offenders.[23]

[23] *Minnesota Executive Documents,* Reports of the State Board of Charities and Corrections, especially for 1884, 1890, 1896; *The North,* Dec. 18, 1889. Nelson, *History of the Scandinavians,* II, ch. i, tabulates his estimates of criminality as he does those of insanity; for the years 1880-1882 and 1892-1894:

Ratio of criminals in the whole population	1:2302	1:1999
American-born population	1:2413	1:2013
Foreign-born population	1:2035	1:1887
Irish population	1:1600	1:860
German population	1:2713	1:2715
Scandinavian population	1:3706	1:5933

CHAPTER XI.

The Scandinavian in Local and State Politics

The Scandinavian usually entered the field of politics rather slowly; he took out his "first papers" for the purpose of acquiring land, not that he might vote in the next election. In the early years of his settlement he was too busy building and paying for a home, learning English, and adopting American customs, to give much time or attention to public affairs. The clearing of woodland, the breaking up of the prairie, and the transformation of a one-room shack into a frame dwelling required severe labor and all his energies. Not until the leisure of some degree of success was his, did he yield to his natural inclination for politics of the larger sort.

The Norwegian, of all the men of the Northern lands, has the strongest liking for the political arena, and has had the most thoro political training at home. Since 1814 he has lived and acted in a community markedly democratic. He understands the meaning of the Fourth of July all the better because he, and his ancestors for two or three generations in their home by the North Sea, celebrated on the Seventeenth of May the independence of Norway and the advent of republicanism. His sense of individuality and equality is stronger than that of his cousins to the east or south, and he steadily and stubbornly fights for the recognition and maintenance of his rights. In 1821, before the first real immigrants sailed for the United States, Norway abolished nobility, while Sweden and Denmark still retain the institution. Equipped thus, and educated in such a vigorous school, it is the Norwegian rather than the Swede or Dane who figures most largely in the political activities of the American Northwest.

Several causes operating on the western side of the Atlantic augmented these natural advantages of the Norwegians. In their settlements they had ten or fifteen years the start of the Swedes, and in the formative period of Wisconsin, Iowa, Minnesota, and Dakota they greatly outnumbered both the Swedes and Danes. They went into new States and territories, and, settling on farms, profited by the power which the rural portion of a developing region usually exercises in politics. On the other hand, tho the Swedes in Illinois since the early fifties, and in Kansas since the late sixties, have formed decidedly the larger part of the Scandinavian population of those two States, they have by no means taken a part in politics equal to that taken by the Norwegians. In 1890 the foreign-born Swedes in Iowa were more numerous than the foreign-born Norwegians, and in Minnesota about equal in number, but these figures do not fairly represent the political strength of the two elements, for to the foreign-born Norwegians must be added those of the second and third generation of persons of purely Norwegian extraction.[1] The sons, and even the grandsons of the early Norwegian settlers were voters before the Swedish immigration greatly exceeded the Norwegian.[2] Broadly speaking, the early political pre-eminence of the Norwegians has never been overcome.

For the common people of Sweden and Denmark, political experience practically began with the agitation for the reforms of 1866 and 1867. The peasants and burghers thus came to think definitely and decisively about what they desired and of the means for securing the

[1]Statistics for foreign-born in 1890:

	Iowa	Minnesota
Norwegians	27,078	101,169
Swedes	30,276	99,913
Danes	15,519	14,133

[2]In 1850 the total of foreign-born Scandinavians was 12,678, of whom 3,559 were Swedes. In 1860 the corresponding figures were 43,995 and 18,625. In 1880 the Swedes numbered 194,337, and the Norwegians, 181,729. *United States Census Reports* for the years 1850, 1860, 1880.

wished-for reforms. It may therefore be asserted without reservation that after 1870 the average Scandinavian immigrant brought to America a fairly clear understanding of the meaning of republicanism; elections, representation, local self-government, and constitutions, are neither novel nor meaningless terms to him; he is ready to fill his place, play his part, and cast his vote, as "a citizen of no mean city." In the discharge of their civic duties, the Scandinavian voters have had the aid of several unusually well edited newspapers in their own languages. Since active participation in politics and patriotism are not always synonymous, one branch of the Scandinavian peoples may be just as patriotic as another. Certain it is that in the Civil War the Swedes were every whit as prompt and hearty in their response to calls for men, and as thoro in their efficiency and courage as soldiers, as were the Norwegians.

From a political view-point, the importance of the Norse immigrants in the agricultural regions of the West has not been fully recognized. At first thought, it would seem that location in a city or town, with its intimate associations and sharper competitions, with its friction of frequent contact with Americans, should be more conducive to rapid Americanization of immigrants, than the life of the farm or of the rural village, with its isolation and narrow horizon. More careful consideration will make clear that the opportunities for political action beyond merely casting a vote, are really much better in a new, thinly-settled township than in a ward of a large town or city. It surely was not a hunger for the sweets of political influence or official place which led the Scandinavians into frontier regions; but once there, with the old political ties forever severed by taking out their "first papers," with partial title to land entered by preemption or by homesteading, their first and greatest steps in Americanization were safely made, and each one carried certain political consequences. Local political organization had to be effected somehow as a given locality filled up, and it hap-

pened frequently that there were none but Scandinavians to undertake the task. No matter what their political inclinations, no matter what form of organization they would have preferred, only one course was open to them: to get information as to the laws and customs of the United States and of the States in which they were settled, to prepare for the elections, and to assume the responsibilities of the necessary offices. Over and over again these things were done promptly and well by men in whose veins coursed only Viking blood, by men but recently transplanted from Norway, Sweden, and Denmark.

Whenever a township became populous enough to have a name as well as a number on the surveyor's map, that question was likely to be determined by the people on the ground, and such names as Christiana, Swede Plain, Numedal, Throndhjem, and Vasa leave no doubt that Scandinavians officiated at the christening.[3] Besides the names of townships, Minnesota alone has no fewer than seventy-five postoffices whose names are unmistakably Norse,—Malmö, Ringbo, Ibsen, Tordenskjold, and the like. It was in organizing these new townships, working the town machinery, carrying on elections, levying and collecting taxes, and laying out roads, that the Scandinavian immigrants learned the rudiments of American politics.[4] In studying the accounts of the formation of scores of towns inhabited wholly or in major part by Norwegians or Swedes—accounts usually written by Americans, and often going into minute details—not one was found which describes any noteworthy irregularity. Except for the peculiar names no one would suspect that the townmakers were born elsewhere than in Massachusetts or New York.

In some cases probably more than one-fifth of the

[3]Christiana got its name through the carelessness of Gunnul Vindæg, who desired to name the town after the Norwegian capital, but omitted the "i" in the last syllable. *Billed Magazin,* I, 388.

[4]Mattson, *Story of an Emigrant,* 50-51; *History of Goodhue County, Minnesota,* 248.

men of the community shared in the actual administration of town affairs; and while this ratio decreased with the growth of the town, the tendency of the Scandinavian settlers to move on from one new region to another gave many of them continuing opportunities to gain political experience. Had the same number of men located in the larger towns or cities, their active duties as citizens would generally have ended with the casting of their annual ballot. A few might have become policemen, commissioners, or even aldermen, but they would have made an insignificant percentage; the management or mismanagement of finances, schools, streets, sanitation, and public services would go on without their efforts or participation.

A few illustrations selected almost at random, will give a concrete idea of the process just described. Two townships in Fillmore County, Minnesota, were organized in 1860, and received the familiar Old World names, Norway and Arendahl; at the first election, all the officers chosen in both townships were Norwegians, and for twenty years and more, the Norwegians continued to fill nearly all the offices.[5] Another and later example is found in Nicollet County, Minnesota, farther west than Fillmore County, where the township of New Sweden was formed in 1864. Thirty votes were cast at the first election, and at the first town-meeting, held three months later, all the offices were filled by the election of six Swedes and four Norwegians.[6] Five years later this township was divided and the name Bernadotte was given to the new township; by the first election, all ten offices were filled by Swedes.[7] Other Minnesota towns, Johnsonville in Redwood County (1879), Wang in Renville County (1875), and Stockholm in Wright County (1868), were similarly organized and officered by Norwegians and Swedes.[8]

[5] *History of Fillmore County, Minnesota*, 346,378.
[6] *History of the Minnesota Valley*, 688, 690, 693.
[7] *Ibid.*, 688.
[8] *Ibid.*, 790; 837; *History of the Upper Mississippi Valley*, 572.

As the townships developed, and the villages grew into cities with large foreign-born elements, the familiar and characteristic Northern names continue to fill the official records. Stoughton, Wisconsin, the capital, so to speak, of the solid old Dane County settlement, is a case in point. So late as 1901 the roster of the city ran as follows:

Mayor, O. K. Roe, born in Dane County of Norwegian parents
President of the Council, J. S. Liebe, born in Laurvik, Norway
Aldermen, four born in different parts of Norway, two born in Dane County of Norwegian parents.[9]

Much of the business in these new communities in their first years was carried on in a foreign tongue. Certainly election notices and documents of that sort were issued in Norwegian or Swedish, and sometimes orders, ordinances, and laws. No evidence, however, has come to hand to prove that any official records were ever kept in any other language than English, even in villages composed almost exclusively of Norwegians or Swedes.[10]

One of the first offices that had to be filled in the growing settlement was that of postmaster; for no considerable number of people, educated and intelligent, will long be content with a postoffice twenty miles away.[11] In 1856 there were five Scandinavian postmasters in Minnesota alone.[12] Thus the immigrant settlers came in contact with the national government at the postoffice more directly and frequently than they did at the land-office.

Township affairs shade off almost imperceptibly into

[9] *Amerika,* May 20, 1901.

[10] "The Norwegians of Wisconsin", *Phillips Times* (Wis.), April 22, 1905.

[11] The nearest postoffice to the early settlers in Fillmore County, Minnesota, was twenty miles away at Decorah, Iowa. *History of Fillmore County, Minnesota* 429.

[12] From the list transcribed from the books of the Appointment Office of the Post Office Department, Dec., 1856. Andrews, *Minnesota and Dakota,* 191.

county affairs in the western States, and the Scandinavians soon began to take part in the latter. No records are at hand for the Wisconsin settlements, but in 1858 the first Norwegian was elected to the board of supervisors in Goodhue County, Minnesota, and in the following year Hans Mattson, who was active in building up the town of Vasa, where he filled various town offices, was elected auditor of the county.[13] He continued to fill the office until July, 1862, tho in name only for the last months, for in the minutes of Board of Supervisors of Goodhue County appears the resolution that "because the County Auditor, Hans Mattson, has voluntarily gone to the war with a company of soldiers, a leave of absence shall be extended to him, and that the office shall not be declared vacant so long as the deputy properly performs the duties of the place."[14]

Hans Mattson was only one of many who found Goodhue County politics and a term of service in the army excellent fitting schools for larger activity in State affairs. One of the Norwegians who served an apprenticeship in Wisconsin, a journeymanship in Iowa, and came to the master-grade of citizenship—office-holding—in Minnesota, was Lars K. Aaker, who represented Goodhue County in the Minnesota Legislature in 1859-1860. After service as first lieutenant in Mattson's Scandinavian Company, he again sat in the Legislature in 1862, 1867, and 1869. Again after twelve years of residence in Goodhue County he moved to Otter Tail County, and represented that county in the State Senate, later becoming Register of the United States Land Office. In 1864, he moved again, to Crookston, in the extreme northwestern corner of Minnesota, where he served as Receiver of the Land Office from 1884 to 1893.[15] As the counties and towns have

[13]Mattson, *The Story of An Emigrant*, 50.

[14]Mattson, *The Story of an Emigrant*, 62.

[15]Personal interview with Mr. Aaker, May, 1890. He was school teacher, in English, and school district clerk in Wisconsin before moving to Iowa and Minnesota. See also *Minnesota Legislative Manual*, 1893, 89-92; Nelson, *History of the Scandinavians*, I, 365.

multiplied, by the biological process of division, in Minnesota and the Dakotas, Scandinavian names recur more and more frequently in their records, tho it is not always easy, especially since 1880, to identify such names, for the Norsemen have had a habit of Americanizing their original names or changing them altogether either with or without legal process.[16]

The county offices which seem to be most attractive to the Scandinavians are those of sheriff, treasurer, auditor, and register of deeds. The lists of county officers for several years in Wisconsin, Minnesota, and the Dakotas, show that the number of Swedes and Norwegians in the four offices just mentioned was closely proportioned to their percentage in the population of the States named.[17] Because the Scandinavians are less numerous in the other county offices, their proportion of the total offices in the counties of the States falls considerably below their proportion of the population. Estimating on the basis of a sure minimum, with the difficulties in identifying names eliminated, the Scandinavians for several years about 1895 filled approximately one-fifth of the 1235 county offices in Minnesota, one-fifth of the 268 in North Dakota- and one-tenth of the 702 in Wisconsin. Their numbers relative to the population in each State were respectively one-fourth in Minnesota, two-fifths in North Dakota, one-eighth in Wisconsin, and one-fifth in South Dakota. More recent illustrations are to be found in the election of 1904. In Traill County, North Dakota, the sixth in size of the forty counties in the State, the sheriff, judge, treasurer,

[16]By these changes Johanson became Johnson; Hanson, Jackson; Fjeld, Field; Larson, Lawson (as Victor F. Lawson, the great newspaper owner of Chicago). By taking the homestead name, the too common name of Olson was changed to Tuve in one case, while Adolf Olson became Adolf Olson Bjelland in another.

[17]*Minnesota Legislative Manual,* 1893, 341-366 (naming 16 officers for most counties); *Wisconsin Blue Book,* 1895, 630 (naming 10); *North Dakota Legislative Manual,* 1895; Basford, *South Dakota Handbook and Official and Legislative Manual,* 1894, 16-120.

auditor, register, surveyor, coroner, and superintendent of schools were of Scandinavian origin; in Lac Qui Parle County, Minnesota, a similar clean sweep was made; while in Yellow Medicine County seven out of ten principal officers were Scandinavians.[18]

The first Scandinavian to enter the field of State politics, was James D. Reymert, a Norwegian, who represented Racine County in the second constitutional convention of Wisconsin in 1847, and later in the Assembly of that State, first from Racine County and then from Milwaukee County in 1857.[19] He was also a candidate for presidential elector on the Free Soil ticket in 1840.[20] The son of a Scotch mother, and receiving part of his education in Scotland, he was better prepared than other Norwegians for taking part in politics, and for the work of editing the first Norwegian newspaper in America, *Nordlyset*—"The Northern Light"—which appeared in 1847 as a Free Soil organ.[21] In the constitutional convention he was not active in the debates, tho he advocated a six-months' residence as a qualification for voting, saying, "as to foreigners, the sooner they were entitled to vote, the better citizens they would make."[22] For one provision of the Wisconsin constitution he was personally responsible: Article VII, section 16, which directed the legislature to establish courts or tribunals of conciliation.[23] But in spite of the command, "The legislature shall pass laws" for these courts, no such law was ever passed in Wisconsin.

Down to the close of the Civil War the Scandinavians exercised very little influence in State politics. Here and there one or two of them appeared as members of conven-

[18] *Amerika*, Nov. 18, 1904.

[19] *Journal of the Second Convention*, 18; Tenney, *Fathers of Wisconsin*, 249; Langeland, *Nordmændene i Amerika*, 94-96; *Wisconsin Blue Book*, (1895), 141, 173.

[20] Langeland, *Nordmændene i Amerika*, 96.

[21] *Ibid.*, 95.

[22] *Journal of the Second Convention*, 31, 129.

[23] *Ibid.*, 422, 638; Poore, *Charters and Constitutions* (2nd ed.), 2037.

tions or of the legislatures, but even in Wisconsin the number rarely went above two in a single session of the legislature.[24] By 1870 many of the Norwegians and Swedes were well-to-do, while others who had served in the Civil War returned to their homes with the prestige conferred by honorable service in that great struggle. Furthermore, the suspicion with which foreign-born citizens had been viewed was greatly reduced, if not dissipated, by the highest evidence which any man can give of his patriotism and loyalty to his adopted country. No one might thenceforth deny them any of the rights, privileges, and honors of the political gild. Accordingly the number of them elected to the legislatures in the Northwest after 1870 increases noticeably both in Wisconsin and Minnesota, and in the Dakotas, where rapid material development and growth of population furnished unusual political opportunities which the Norwegians and Swedes were not slow to improve.

In the Wisconsin legislature of 1868 sat 2 Norwegians; in 1869, 3; in 1871, 4.[25] In Minnesota, the figures are striking: 1868, 2 Scandinavians; 1870, 4; 1872, 9; and 1873, 13.[26] Since then the percentage of Norse representatives has steadily grown, tho it is not always easy to determine the racial stock from which a native-born officer came. Recent Wisconsin legislatures had apparently out of a total membership of 133, in 1895, 5 Scandinavians; in 1901, 10 (1 Dane, 1 Swede, and 8 Norwegians); in 1903, 6.[27] The Minnesota legislature of 1893 had 9 out of 54 senators, and 20 out of 114 representatives, who were of Viking origin—fully one-sixth of the total membership.

[24] *Wisconsin Blue Book,* 1895, 136ff; *Minnesota Legislative Manual,* 1893, 87-92; *History of the Upper Mississippi Valley,* 573; Nelson, *History of the Scandinavians,* I, 390.

[25] *Wisconsin Blue Book,* 1895, 136ff. For the more recent legislatures it is possible to be fairly exact in these data, since the blue books and manuals give biographical sketches.

[26] *Minnesota Legislative Manual,* 1895, 573 ff.

[27] *Wisconsin Blue Books,* 1895, 66; 1901, 733ff; 1903, 740ff.

In the legislatures of 1899 and 1905 the numbers were as follows:[28]

1899			
Senate 63 members	Norwegian	7	(3 American born)
	Swede	2	
House 119 members	Norwegian	16	(3 American born)
	Swede	9	(4 American born)
	Dane	1	
1905			
Senate 63 members	Norwegian	7	
	Swede	4	
House 119 members	Norwegian	20	(7 American born)
	Swede	9	

In the newer States to the West, the percentages rise still higher. In North Dakota, the legislature of 93 members contained 17 men of Scandinavian parentage in 1895, and 18 in 1901—16 Norwegians (4 American born), one Dane, and one Icelander.[29] Unofficial figures for 1904 gave the Scandinavians 38 out of 140 members.[30] South Dakota in 1894 had 15 Norwegians (5 native-born) and 5 Swedes, in a legislative body of 127; in 1897, 17; in 1903, 16; and in 1904, 17.[31]

In the executive and administrative departments of State government, as distinguished from the legislative, the participation of the Scandinavians notably increased after 1869. In the summer of that year, a Scandinavian convention was held in Minneapolis for the express purpose of booming Colonel Hans Mattson for the office of Secretary of State in Minnesota. Of his fitness there was no doubt, for in addition to holding local offices in Goodhue County and his service in the army, he had for two years served as Commissioner of Emigration. The Repub-

[28] *Minnesota Legislative Manuals* for 1893, 1899, 1905.

[29] *Legislative Manual of North Dakota,* 1895, 18; *North Dakota Senate Journal,* 1901, 1; *North Dakota House Journal,* 1901, 1.

[30] *Amerika,* Nov. 18, 1904.

[31] Basford, *Political Handbook* (South Dakota), 149-197; *Senate Journal* and *House Journal,* 1897, 1903; *Amerika,* Nov. 18, 1904.

licans took the hint and nominated him almost unanimously in September, and his election followed. He served one term at this time and by re-elections filled the same office from 1887 to 1891.[32] So frequently have Swedes and Norwegians been elected to this office both in Minnesota and in the Dakotas that it might almost be said that they have a prescriptive right to it.[33] In the thirty-seven years ending in January, 1907, the Swedes filled the office in Minnesota sixteen years and the Norwegians four years.[34] Other State offices like those of Treasurer, Auditor, and Lieutenant Governor, not to mention commissionerships and appointments to boards, have also been frequently filled by Scandinavians in the States of the Northwest.[35]

The first Scandinavian to reach the eminence of a governorship was Knute Nelson, an emigrant from Voss, near Bergen in Norway, in 1849, who, after service in the Civil War, was elected in succession to the legislatures of Wisconsin and Minnesota and to the Congress of the United States. Nominated by acclamation for governor of Minnesota on the Republican ticket in 1892, he was elected by a plurality of 14,620 votes; two years later he was unanimously re-nominated, and re-elected by a plurality of more than 60,000 votes.[36] He served only one month of his second term, accepting election to the United States Senate, to the disappointment, not to say the disgust, of many who had voted for him for Governor, who considered him in duty bound to serve in that capacity after accepting their suffrages.

[32]Mattson, *The Story of an Emigrant*, 115; *Minnesota Legislative Manual*, 1905, 99.

[33]*Minnesota Legislative Manual*, 1905, 99; *North Dakota Legislative Manual*, 1895, 66; *South Dakota Legislative Manual*, 1894, 130, 134.

[34]*Minnesota Legislative Manual*, 1905, 99, 627.

[35]*Ibid.*, 99-106, 627-637; *Wisconsin Blue Book*, 1895, 662ff; *South Dakota Political Handbook*, 1894, 130ff; *The Viking*, I, 3 (1906).

[36]Stenholt, *Knute Nelson*, 68-78; Nelson, *History of the Scandinavians*, I, 451; *Minnesota Legislative Manual*, 1893, 549.

The second Scandinavian governor was a Swede born in Smaaland, who landed in the United States in 1868 at the age of fourteen—John Lind. Passing up through such political gradations as county superintendent of schools, receiver of the United States Land Office, and Republican representative in Congress, he allied himself with the free-silver movement of 1896 and became the Fusion candidate for governor of Minnesota. Opposed by the leading Swedes who remained loyal to the Republican party, he was defeated by a small majority, tho supported by many of the Norwegians. The Spanish War, in which he served as quartermaster of volunteers, gave him a new claim to popular favor, and when he again ran for governor in 1898 he was elected by a combination of Democrats and Populists, turning his former deficiency of 3,496 into a plurality of 20,399.[37] This victory was due more to a revolt against the Republican candidate than to clannish support of a Swede by Swedes, for the two strongholds of the Swedes, Chisago and Goodhue Counties, went Republican as usual, while the German and Irish wards of St. Paul and Minneapolis gave majorities for Lind.

The third of Minnesota's Scandinavian governors came into office under circumstances of distinctly dramatic character. John A. Johnson was born of Swedish parents in the State over which he was to be made ruler; at the age of fourteen he became the support of his mother and of the family, save the inebriate father who was sent to an almshouse where he died. When nominated by the Democrats in 1904, Johnson had been for eighteen years editor of a country newspaper printed in English. The Republicans, especially their candidate for governor, a coarse-grained distrusted, machine politician, endeavored to make political capital out of the fact that Johnson's father died in the poorhouse. The Democratic leaders persuaded Johnson with some difficulty to let the plain truth be told, and told on the stump—and Johnson, the son of a Swedish immi-

[37] *Svenska Amerikanska Posten*, Nov. 22, 1898; *World Almanac*, 1899; Nelson, *History of the Scandinavians*, I, 432.

grant, a man from a small, interior city, a Democrat in a State strongly Republican as a rule, won by a plurality of 6,352 votes in a Presidential year, when Theodore Roosevelt carried the State by 161,464.[38] Two years of vigorous but quiet administration brought the reward of a renomination and reelection in 1906 by a plurality of 76,000.[39] Again in 1908, another presidential year, Governor Johnson was reelected by 20,000 plurality, though Taft received a plurality of 85,000.[40]

The death of Governor Johnson in October, 1909, made the Republican Lieutenant Governor, Adolph Olson Eberhardt, the fourth Scandinavian executive of Minnesota. He was born in Sweden, the son of Andrew Olson, and came to America in his eleventh year. He added Eberhardt to his name by permission of the proper court in 1898 because several other persons in his community also bore the name of Adolph Olson. Governor Eberhardt reached the governor's chair by various business and political experiences—as a lawyer, contractor, United States Commissioner, deputy clerk of the United States District and Circuit Courts, State senator, and lieutenant governor. He was reelected in his own right in 1910 by a plurality of 60,000, and again in 1912 by 30,000.[41]

James O. Davidson rose to the governorship of Wisconsin through long service in subordinate capacities. Of Norwegian birth, immigrating in 1872, he was elected to the Wisconsin legislatures of 1893, 1895, 1897; twice chosen State Treasurer; elected Lieutenant Governor on the ticket with R. M. LaFollette, and upon the election of the latter to the United States Senate succeeded him as governor in January, 1906. In the summer of that year Senator LaFollette vainly stumped the State to prevent Davidson's nomination for Governor on the Republican ticket,

[38] *Minnesota Legislative Manual,* 1905, 506, 520. In this election of 1904, P. E. Hanson, a Swedish immigrant of 1857, was elected on the Republican ticket as Secretary of State by a plurality of more than 96,000.

[39] *World Almanac,* 1907, 487.

[40] *Ibid.,* 1909, 639.

[41] *Ibid.,* 1911, 673; 1913, 741; *Who's Who in America,* 1914-15.

and in the election that followed the Norwegian-born, soundly-experienced Governor was chosen by the handsome plurality of 80,247 votes.[42] In 1908 he was reelected by a plurality of 76,958.

Still further up the political scale, men from Northwestern Europe have been taking an active part in national affairs. Sixteen of them have been elected to the House of Representatives of the Federal Congress. The first one to achieve this high position was Knute Nelson who sat in the House from 1883 to 1889 as the Representative of the Fifth Minnesota District. In 1895 he was chosen United States Senator and has served continuously since March 4, 1895.[43] Others who have served for several terms in the House are: Nils P. Haugen, a Norwegian representing a Wisconsin district from 1887 to 1895; John Lind, a Swede, who represented the Second Minnesota District from 1887 to 1893; Asle J. Gronna, who was a member of the House from 1905 to 1909, and succeeded Johnson as Senator from North Dakota, serving up to the present time; Gilbert N. Haugen, another Wisconsin-born Norwegian, who has represented the Fourth Iowa District since 1899; Andrew J. Volstead, a Minnesota-born Norwegian, who has sat for the Seventh Minnesota District since 1903; and Halvor Steenerson, born in Dane County, Wisconsin, of Norwegian stock, who has represented the Ninth Minnesota District since 1903.[44] Martin N. Johnson, who was born of Norwegian parents in Wisconsin, had his first legislative

[42] *Wisconsin Blue Book* (1903), 1070; *World Almanac*, 1907, 513.

[43] *Minnesota Legislative Manual* (1895), 325-6, 648; *Congressional Directory*, May, 1914.

[44] *Wisconsin Bluebook* (1895), 191-2; *Congressional Directories*, 1887 to 1914, which contain brief biographies of Representatives and Senators. Other Representatives for briefer terms than those mentioned above are: from Minnesota, Kittle Halvorson (Norwegian), 1891 to 1895; Halvor E. Boen (Norwegian), 1893 to 1895; Charles A. Lindbergh (Swede), since 1906; from Wisconsin, H. B. Dahle (Norwegian), 1899 to 1901; John M. Nelson (Norwegian), since 1906; and Irvine L. Lenroot (born of Swedish parents in Wisconsin), since 1909; from North Dakota, Henry T. Helgesen (Norwegian, born in Iowa), since 1911; and from Utah, Jacob Johnson (the only Dane who has sat in the House), since 1913.

experience in the Iowa legislature, sat in the House as representative at large from the new State of North Dakota from 1891 to 1899, and then, after a period of retirement, was sent to the United States Senate from the same State, serving from March, 1909, until his death in October of the same year.

An analysis of this list of Representatives shows that eleven of the sixteen were Norwegians of the first or second generation of immigrant stock, four were Swedes, and one a Dane. Six of the eleven were born in America, three of them in the old Wisconsin settlements; only one of these represented the district in which he was born, the rest receiving their reward in the newer western sections into which they had migrated with the movement of population beyond the Mississippi.

Different Federal administrations have deemed it wise to "recognize" the Scandinavian among other elements of the political population, in making appointments in the diplomatic and consular services of the United States. One of the most notable instances is that of the selection of John Lind, the former governor of Minnesota as the personal representative of President Wilson in Mexico during the troubled months of 1913 and 1914 and as adviser to the United States embassy in Mexico City during the period following the recall of Ambassador Henry Lane Wilson. Another instance of appointment in this service is that of Lauritz Selmer Swenson, a Norwegian of the second generation, born in Minnesota, who was minister to Denmark from 1897 to 1906, and later received appointments as minister to Switzerland and to Norway, terminating the latter in 1913.[45] Rasmus B. Anderson represented the United States at the Danish court from 1885 to 1889, being at that time a Democrat. He was born in Wisconsin of pure Norse parentage, and had served as professor of the Scandinavian languages in the University of Wisconsin.[46]

[45] *Who's Who in America,* 1914-5.

[46] *Ibid.;* Anderson, *Norwegian Immigration,* quoting from the *Madison Democrat.*

The appointment of Nicolay A. Grevstad as minister to Uruguay and Paraguay in 1911 was a fitting recognition of ability combined with long and able service to the people of the older, or middle, Northwest as editor of the *Minneapolis Tribune,* the *Minneapolis Times,* and the great Chicago daily, *Skandinaven* (1902-1911). Hans Mattson, a Swedish veteran of the Civil War, was consul general at Calcutta from 1883 to 1885;[47] Soren Listoe, the Danish editor of *Nordvesten* of St. Paul, Minnesota, was consul at Düsseldorf, 1882-3, consul at Rotterdam, 1897-1902, and consul general at the same city, 1902-1914.[48] At Rotterdam he succeeded L. S. Reque, a Norwegian from Iowa. Several other men have served for long terms in minor positions in the foreign service.[49]

[47]Mattson, *The Story of an Emigrant,* 143-145.

[48]*Congressional Directory,* 1897, 1907, 1914; Nelson, *History of the Scandinavians,* I, 435, 480, 503; II, 195.

[49]Peterson, *Svenskarne i Illinois,* 389.

CHAPTER XII.

Party Preferences and Political Leadership

The great majority of the Scandinavians, prior to 1884, were thoro-going and uncompromising Republicans, and tho the party still holds most of them, profiting largely from their natural conservatism and their loyalty to a principle, it can by no means depend upon them with the assurance it had in the "good old days" when to find a Scandinavian voter in the Northwest was to find a Republican.

The causes which determined the early party affiliations of the naturalized sons of the Vikings, in the broad area of State and Federal affairs, are to be found in the character of the immigrants themselves and in the great questions agitating the country at the time they became citizens. Coming to the United States with an endowment of natural independence, with an innate respect for government, and with an inclination for public concerns, their interest was at once actively aroused in the great problem of slavery that vexed national life from the time of the Sloop Folk to the Civil War. As their information about the slave system grew more exact, and as the tremendous significance of the restriction of the slave area as a cardinal political issue was made clear to their minds, they became of one mind in the mighty agitation. Neither they nor their ancestors for hundreds of years had held slaves; few of them had ever seen a slave, for their numerous traders and sailors, with slight exceptions, had no smell of blood of the African slave trade on their hands.[1] It was not chance, therefore, which kept the stream of North European immigrants from flowing into the South and Southwest; no attractiveness of climate or soil could compensate for the presence of Negro slavery. A horror and hatred of slavery colored their thinking from their first month in the New World; it was first a moral, then a

[1] DuBois, *Suppression of the African Slave-Trade*, 90 n 5, 131, 143 n 1.

political, conviction, not the sentiment of individuals, but the well-reasoned opinion of the whole community.

Bound together on this great question, then so dominant, they naturally maintained unity on other political questions as well as on slavery; and when once their ideas were fixed, any change would be effected slowly and with difficulty. The newcomers, in their first months in the older settlements, were speedily indoctrinated with anti-slavery sentiment. Thus it came about that one party received and retained the vast majority of the Scandinavians down to 1884, simply because a bent that way was given in the early years of immigration from the Northern peninsulas, and because the question of the status of the Negro, in one form or another, continued to be a political issue.

The first appearance of the Norwegians in State politics in Wisconsin, as already noted, was under the Free Soil banner between 1846 and 1848, when that State was endeavoring to form a constitution. The first constitution submitted to the people, in 1847, was rejected by a large majority, including a separately-submitted provision granting equal suffrage to Negroes. While the State decisively voted thus, the counties in which the Scandinavian vote was largest—Racine, Walworth, and Waukesha—showed large majorities in favor of giving the Negroes political privileges equal to those of the Whites. On the other hand, counties where the German votes were numerous stood solidly against equal suffrage, seemingly because in the constitutional convention the question of Negro suffrage was coupled with that of the granting of suffrage to foreign-born, in a way that greatly displeased the Germans.[2] When the second convention finished its constitution, in 1848, resolutions were introduced to provide for printing and distributing translations of the document, 6000 copies in German, and 4000 copies in Norwegian, a hint of the relative strength of the two groups.[3]

[2]Baker, *History of the Elective Franchise in Wisconsin*, 9; including a reference to the *Wisconsin Banner*, Oct. 17, 1846.

[3]*Journal of the Second Convention*, 511, 584.

The relation of James Reymert and his *Nordlyset* to the Free Soil movement has been mentioned. When the Democratic papers mercilessly criticised the little sheet and poked fun at its name, the paper was sold by Reymert to Knud Langeland in 1849, and by him removed to Racine; the name was changed to *Demokraten*, but the politics of the paper were not affected.[4] As a political organ among the Norwegians, it was ahead of the times; the support of the paper was insufficient to pay the bills, and it was discontinued in 1850. The Norwegian immigrants were unaccustomed to a purely secular press; they preferred to have their politics wrapped up in papers labelled "religious." Langeland declares that many of them considered it a sin to read a political newspaper.[5] But the Free Soil sentiment was too strong to go without printed expression in Norwegian; and accordingly the propaganda continued in the form of speeches of Chase, Seward, Hale, Giddings, and other anti-slavery leaders, which were translated into Norwegian and mixed in with non-political matter in *Maanedstidende*, a paper whose publication, after the failure of *Demokraten*, Langeland undertook along with four clergymen, Clausen, Preuss, Stub, and Hatlestad.[6]

As they read these speeches of the great leaders, as they heard from Negroes themselves the evils of slavery, as they learned of the high-handed doings in Kansas, the zeal of the Scandinavians for human freedom increased. There were no old party traditions, feelings, or feuds, to keep them from judging the issue of slavery's expansion on its merits; no loyalty to the memories of dead heroes held them in mortmain. Some few of them voted for Cass in 1848 and for Pierce in 1852, but by 1856 there was only one issue for them: simply and straightforwardly and

[4]Langeland, *Nordmændene i Amerika*, 96.

[5]Langeland, *Nordmændene i Amerika*, 98: "Den förste Indvandrerbefolkning hovedsagelig bestod af Folk fra Landsbygderne, som for en stor Del ikke var vant til at læse andet end Deres Religionsböger, og mange af dem ansaa det endog for en Synd at læse politiske Blade."

[6]*Ibid.*, 98.

almost to a man, they became Republicans.[7] The Democrats, of course, did not let the children of the North go without an effort to secure them in their ranks. In 1856 Elias Stangeland of Madison, Wisconsin, started a Norwegian paper, *Den Norske Amerikaner,* in support of James Buchanan. His efforts to get Langeland to undertake the editorship failed because the latter was an ardent admirer of Fremont. The paper had a short life, and probably Langeland is right in attributing its disappearance to the withdrawal of the Democratic subsidy.[8] A long time was to elapse before a successful attempt would be made to maintain a Democratic paper in Norwegian or Swedish.

What the anti-slavery agitation left undone towards making the Scandinavians unswervingly Republican, was accomplished by the Civil War. The lingering glories of the golden age of the Democracy of Jackson and Jefferson were entirely obscured by the attitude of the Democratic party toward the conduct of the war. Only when the memories of the Civil War grew less vivid and less influential with new arrivals from the Old World, and not until moral questions were superseded in political discussions by economic questions relating to the tariff, currency, and labor, did the Scandinavians begin to arrange themselves in any considerable numbers outside the Republican ranks.

Four times during the last thirty-five years the Scandinavian voters in large numbers, under varying circumstances and in different degrees in different States, have abjured Republican leadership. After each such excursion they have returned, for the most part, to their old party relations, but never with quite the same fervent, reliable zeal for Republican principles and candidates. The development of the bacillus of independence is unmistakable. One defection affected Wisconsin alone, the only instance where the Democrats profited directly by the votes of large

[7]Peterson, *Svenskarne i Illinois,* xii; Mattson, *The Story of an Emigrant,* 56; Nelson, *History of the Scandinavians,* I, 305, 310.

[8]*Langeland, Nordmændene i Amerika,* 110.

numbers of Scandinavians. At a later time, when the Free Silver and Populist ideas took strong hold on the Northwest, the Scandinavian vote re-enforced the personal popularity of John Lind, the Swedish candidate of the Populist-Democratic party, and secured his election, tho the rest of the Fusion ticket suffered defeat.

The first time Norse voters broke from the Republican ranks was in connection with the Greenback movement which began with the depression following the panic of 1873 and culminated in the election of 1880. Many of them, especially the Swedes in Illinois, became out-and-out Greenbackers or Independents. In his book on the Swedes in Illinois, published in 1880, C. F. Peterson gives brief biographies of some seven hundred Swedes, men of all walks of life above day laborer, who may be considered as representatives of the 40,000 Swedes in Illinois at that time.[9] At least they represent the classes which would be least likely to be led off into economic heresies. Of 628 whose party affiliations are stated, 472 were Republicans; 76, Independents; 55, Greenbackers; and 25, Democrats or Prohibitionists. In other words, out of the total number canvassed, more than twenty per-cent were dissenters from Republican orthodoxy.

The relation of political and religious sentiment is strikingly illustrated in analyzing these biographies, for those who were Lutherans or Methodists were usually Republicans in politics, and proud to belong to "the party of moral ideas."[10] Those stating their religious preferences as Lutheran numbered 388, and of these only 10 were Democrats, 16 were Greenbackers, and 19 were Independent. On the other hand, of 131 who belonged to the three political parties last mentioned, 87 were in religion also Independent, Free Thinkers, or "Ingersollites". For States other than Illinois, no such complete contemporary data are available; but since the Greenback vote in Minne-

[9] Peterson, *Svenskarne i Illinois*, part II.

[10] *Ibid.*, 353: "Medlem i de 'moralska ideernas' politska parti—det republikanska."

sota was only 2% of the total, and in Wisconsin 3%, it is fair to assume that the Scandinavians did not desert the Republican standard in very large numbers in those States.

The second case of considerable defection among the Republican Scandinavians occurred after the widespread development of agrarian discontent in the late eighties. The farmers and laborers, American and Scandinavian alike, felt the stress of hard times, turned to political agencies for relief, forsook the old parties, and formed the party called variously the Populist, People's, and Farmers' Alliance Party. Besides those Norwegians and Swedes who had been for years Republicans, whose political color was fixed by the mordant of slavery and the Civil War, there was then a very large number of men who arrived in the vast immigrant invasions between 1880 and 1885, and who were just coming into the full exercise of the rights of citizenship. An increasing proportion of these later arrivals went to the large cities and towns. All of them were moved less by the traditions of "moral ideas" and more by the contagious discontent of the older settlers and by the arguments of industrial and political agitators.

In the election of 1890 a serious break occurred in the Republican Party in Minnesota and in the Dakotas. There was a general impression in the rural districts of Minnesota that the Republican candidate for governor, William R. Merriam, a wealthy banker of St. Paul, was renominated for his second term by a political ring composed of lumber-kings, wheat dealers, and millers who combined to cheat and rob the farmer. Accordingly the Farmers' Alliance nominated a third ticket headed by S. M. Owen, the editor of an agricultural paper in Minneapolis, who polled a vote of 58,513, and reduced Merriam's vote of 1888 by about 46,000.[11] Merriam was re-elected by a plurality of

[11] *Minnesota Legislative Manual*, 1893, 482:

	1888	1890
Republican candidate	134,355	88,111
Democratic candidate	110,251	85,844
Prohibition candidate	17,026	8,424
Farmers' Alliance candidate		58,513

less than 2,500, tho he had had more than 24,000 two years before.

A careful examination of the votes for 1888 and 1890 in such strong Scandinavian counties as Otter Tail, Douglas, Chisago, Freeborn, Polk, and Norman leaves no doubt that the Swedes and Norwegians in very large numbers either voted for Owen, or refused to vote for Merriam.[12] In some cases the Republican vote fell off one-half and even two-thirds, and third-party Alliance candidates for the legislature were elected. A prominent Norwegian writer estimated that "25,000 Norwegian-born farmers turned their backs upon Mr. Merriam and voted for Mr. Owen for governor," disregarding the injunction of the Scandinavian Republican press to "stick to the grand old party, for the grand old party is particularly favorable to the Scandinavians, and the best political party in America."[13]

At the next state election in the presidential year, 1892, a Norwegian ran for governor on the Republican ticket, and a large part of the Scandinavian deserters wheeled into line and voted the Republican ticket. With a total vote only 15,000 greater than in 1890, the vote for the Republican candidate for governor increased in round number 20,000, for the Democratic candidate, 9,000, and for the Prohibition candidate, 4,000, while the vote of the Alliance or People's party fell off 20,000.[14]

Conditions in North Dakota and South Dakota were even more favorable to the new party than in Minnesota.

[12] *Minnesota Legislative Manual*, 1889, 397; 1893, 472.

[13] Mr. J. J. Skordalsvold in *The North*, Aug. 10, 1892.

[14] The ticket in Minneapolis, Hennepin County, Minnesota, in this year, 1892, is an interesting illustration of "recognition" of the power of the recent deserters. The Scandinavians had:

	Republican	Democrat	Populist
Presidential elector	1	2	2
Governor or Lieutenant Governor	1	—	1
Secretary of State	1	1	1
Legislative ticket	2	2	—
County officers	2	1	—
City officers	4	1	—

Minneapolis Journal, Nov. 3, 1892.

Estimates based on a study of statistics and newspapers have been confirmed by prominent officials of those States, one of whom declares that "in some localities quite a per-cent has joined the Populist party; but it is very rare indeed to find a Scandinavian Democrat."[15] Another believes that a considerable portion of the Scandinavians voted the Populist ticket in 1892 and in 1894, but that they were normally believers in the protective principle and therefore naturally affiliated with the Republican party.[16] A German lawyer of Valley City, North Dakota, a Democrat, practically agreed with the Norwegian city attorney of Devil's Lake in the same State, the one saying that a large part of the Norse voters were Populists, the other declaring that the Populist party was largely composed of Scandinavians.[17] All agreed that these voters later tended to return to their former Republican alliance. It may be doubted, however, whether the hold of the protection idea is one of the primary reasons for Scandinavian Republicanism. At any rate the vote of the Hon. Knute Nelson for the Mills Bill for tariff revision in 1888—one of six Republican votes for the measure—did not make him politically *persona non grata* or a suspicious character among his Norwegian or Swedish brethren.

Another index of the shifting of political sentiment among the Norse voters is found in the changes in the party affiliations of Scandinavian newspapers, tho the varying importance of these journals imposes special caution in interpreting these figures. It would be obviously unfair to offset the staunch and well-supported Republicanism of the ably-edited and widely-circulated *Skandinaven* of Chicago with the less stable *Normannen* of Stoughton, Wisconsin, which had not one-third the circulation nor

[15]Letter of Thomas Thorson, Secretary of State of South Dakota, April 9, 1906.

[16]Letter of C. M. Dahl, Secretary of State of North Dakota, March 24, 1896.

[17]Letter of E. Winterer, Valley City, March 21, 1896, and of Siver Serumgard, March 24, 1896.

one-tenth of the influence of the metropolitan journal.[18] The "mugwump spirit" of the press is well illustrated by the case of *Norden*, a Norwegian weekly of Chicago, Republican up to 1884, when it took an independent attitude. In 1888 it became avowedly Democratic and supported Grover Cleveland for the presidency. This move was made only after the proprietor and editor assured themselves that the patrons of the paper would sustain them in the proposed change.[19]

Of the secular political Scandinavian papers published in Minnesota in 1889 nine were Republican—five Norwegian or Norwegian-Danish, four Swedish; three were Democratic,—all Norwegian; two were Prohibitionist, one Norwegian and one Swedish; and one was Labor,—Norwegian.[20] In the next five years, the independent press in Minnesota and other states increased in numbers at least, and included such influential journals as *Amerika* and *Folkebladet*. George Taylor Rygh, professor of Scandinavian languages in the University of North Dakota, estimated in 1893 that "until a few years ago over four-fifths of the [Scandinavian] secular press were strictly Republican in politics. One after another has ceased to defend the Republican party, and today not more than one-third of the whole number are strictly Republican."[21] While this personal opinion or impression is probably exaggerated, it may represent approximately the temporary state of that year if proper emphasis be laid on the word "strictly." Since there appears to be no evidence that these papers, with two or three exceptions, were subsidized to induce their change of political creed, it is reasonable to conclude that they had behind them a solidified constitu-

[18]Rowell, *American Newspaper Directory* for 1896, 1901, 1906; *Cosmopolitan*, Oct., 1890, 689.

[19]Interview in 1890 with the editor of *Norden*, Mr. P. O. Strömme. He said that the change was an excellent move for the paper.

[20]*Minnesota Legislative Manual*, 1889, 432-445.

[21]G. T. Rygh, "The Scandinavian American," *Literary Northwest*, Feb., 1893. He estimated the total number of papers at "about 125."

ency, for they were run neither for personal amusement, pure philanthropy, nor mere partisan propaganda.

The third defection occurred in Wisconsin alone, and took its rise in a purely local question. Its interest lies in the peculiar and remarkable temporary alliance to which it led. The Wisconsin Legislature passed an act, approved April 18, 1889, "concerning the education and employment of children."[22] To the ordinary provisions for coercing parents and children, so that all children between the ages of seven and fourteen years should attend at least twelve weeks in some public or private school in the city or town or district in which they lived, nobody objected. But the fifth section of the act, which was known as the Bennett Law, was in certain church circles, like a dash of vitriol in the face:

"No school shall be regarded as a school under this act unless there shall be taught therein as a part of the elementary education of the children, reading, writing, arithmetic, and United States history, in the English language."

The last four words of this section, innocent and reasonable as they look to the average American, stirred up one of the bitterest political fights ever known in Wisconsin. The Roman Catholic church, unalterably committed to a system of parochial schools in many of which instruction is given in a foreign language, was for once in accord with the German and Scandinavian Lutherans who maintained similar schools. The compulsory use of English in instructing pupils in specified subjects turned priests and pastors and whole congregations into active, vociferous politicians, for Germans, Norwegians, Poles, and Bohemians claimed the right to educate their children in parochial schools of their own choosing. Was not education education, whether carried on in English or German or Polish or Norwegian? Were not the graduates of church schools, even tho they spoke English brokenly or with brogue, just as intelligent, just as capable, just as indus-

[22] *Laws of Wisconsin*, 1889, ch. 519.

trious, and just as honest, as those educated in the "little red school house" and the public high school?[23] The chairman of the Lutheran Committee on School Legislation stated the matter clearly from the standpoint of the churches:

"The Lutherans of Wisconsin do not oppose the Bennett Law because they are the enemies of the English language. . . . The Lutherans oppose the present compulsory school law because—whether designedly or not—it in fact infringes on the rights of conscience guaranteed by the constitution, and the right of parents to educate according to their convictions, their own children. In short, the Lutherans insist upon their right to establish private schools at their own expense, and regulate them, without any intereference on the part of the State, ... that their children may become Lutheran Christians as well as loyal and good citizens."[24] The official circular of the State Superintendent of Public Instruction of Wisconsin, dated January 25, 1890, almost a year after the passage of the act, was a statement of the opposite point of view, and a justification of attempts to enforce the law. Incidentally it was a political pamphlet as well. Superintendent Thayer said: "The thing that is antagonized by this law is the practice of allowing children of this State of proper school age, to pass that period of life without acquiring the minimum of education in elementary branches; without acquiring the ability to think in the language of the country, to express themselves intelligibly in that language, orally, in writing, and in business forms."

All through the latter part of 1889 and the first ten months of 1890, the agitation went on. The press gave great space to it; some papers through several months, both in Wisconsin and in the neighboring States where

[23] *The Bennett Law Analyzed,* a campaign pamphlet issued by the Republicans in 1890, in English, German, Polish, and Norwegian, had for its heading a picture of a district school house labelled "The Little School House," and underneath, "Stand by It."

[24] See F. W. A. Notz, "Parochial School System" in Stearns (editor), *The Columbian History of Education in Wisconsin* (1893).

Lutherans and Catholics were numerous, offered "symposiums" which printed arguments on both sides.[25] *Public Opinion* summarized the sentiment for the larger world.[26] Church assemblies took action, and finally an Anti-Bennett Law convention was held in Milwaukee, June 4, 1890.

The Democrats were not slow in seizing the advantage offered, and managed their campaign of 1890 very shrewdly. The combination of sternly anti-Catholic German and Norwegian Lutherans, usually Republican, with Roman Catholics, under the Democratic banner, was irresistible. In spite of the frantic appeals of the Republican press and speakers for loyalty to the American flag and to the "little red school house," the Democrats elected their candidate for governor, and a legislature pledged to give the desired relief. By the six-line act of February 5, 1891, the Bennett Law was repealed, and two months later another compulsory education act was passed without the offensive and troublesome four words.[27] The work of the Lutheran-Catholic alliance was done; the heterogeneous, naturally antagonistic elements fell apart; and in a few years old party lines were re-established. The plurality of 28,000 by which the Democratic Governor, G. W. Peck, was elected in 1890, overcoming the usual Republican plurality of about 20,000, was reduced at his re-election in 1892 to 7,700. In 1894 the Republican candidate defeated Governor Peck by the handsome plurality of 50,000 votes.[28]

While the Bennett Law agitation was going on in Wisconsin, a similar, but milder disturbance occurred in Illinois. The compulsory education act of the latter State, which went into effect July 1, 1889, was closely, if not deliberately, modelled after the Wisconsin statute, and enacted that "no school shall be regarded as a school under this act, unless there shall be taught therein in the English language, reading, writing, arithmetic, history of the

[25] *The North,* Apr. 30, May 7, 14, 21, 28, June 4, 25, July 2, 1890.
[26] *Public Opinion,* IX, no. 1, Apr. 12, 1890.
[27] *Laws of Wisconsin,* 1891, chaps. 4, 187.
[28] *Wisconsin Bluebook* (1895), 342-342, 347.

United States, and geography.[29] In the campaign of 1890, the Republican candidate for State Superintendent of Education, favoring the new compulsory education law, was defeated by some 36,000 votes by Raab, the Democratic candidate who opposed the law. The Norwegians and Danes in the city of Chicago probably voted for Raab in large numbers, tho he won the Swedish wards of that city by small pluralities. In such counties as Knox, with its two thousand Swedish voters, and Winnebago (in which is situated the city of Rockford, with about fifteen hundred Swedish voters), where one-third of the foreign born population was at that time Scandinavian, the Republican candidate received large majorities. A writer for *America,* the periodical published in English for Scandinavian readers, claimed proudly that "the large Swedish settlements in Henry, Rock Island, Bureau, De Kalb, Henderson, Warren, Mercer, Ford, Whiteside, and other counties cast a solid vote for Edwards. The Swedes were in favor of compulsory education almost to a man.[30] In the city of Chicago, the County Superintendent of Schools for Cook County was re-elected by a plurality of 23,000 tho he favored the compulsory law. The repeal of the law of 1889 was not so prompt in Illinois as it was in Wisconsin, for it was not until 1893 that a new and expurgated compulsory education measure took its place.[31]

A close and detailed examination of the legislative journals and the statutes of the Northwestern States does not reveal above a half-dozen laws which can be said to be due to the leadership and direct influence of the Scandinavians as such. On the other hand, in the field of general legislation these men have been indistinguishable from the native-born in ability, efficiency, and uprightness; the gross and net products of the labors of those legislatures with many Scandinavian representatives in such states as Minnesota and North Dakota, are not perceptibly different

[29] *Laws of Illinois,* 1889, Act of May 24.

[30] *America,* V. 201, (Nov. 20, 1890). See also editorial in the same volume, 172-174 (Nov. 13, 1890).

[31] *Laws of Illinois,* 1893, Acts of February 17 and June 19, 1893.

from the output of legislatures in which no Swede or Norwegian ever sat, as in Michigan or Colorado. Scarcely a law has been passed for the purpose of catering to the preferences, or of catching the vote, of the sons of the Northlands.

An exception to this general statement is the Minnesota law of 1883 providing for the establishment of a "professorship of Scandinavian language and literature in the State University, with the same salary as is paid in said University to other professors of the same grade." The man to be chosen must be "some person learned in the Scandinavian language and literature, and at the same time skilled and capable of teaching the dead languages so called."[32]

The motives of the makers of the law were benevolent enough, and circumstances warranted its passage, but nothing could better illustrate the utter carelessness and looseness with which American State legislators do their work, than this simple statute. It was drawn up by a distinguished American lawyer, Gordon E. Cole of St. Paul at the request of Truls Paulsen by whom it was introduced into the legislature.[33] It created a chair of "Scandinavian language," when there is no such language, living or dead; the professorship was established "in the State University," when the laws of the State recognize no institution bearing such a name. The Norwegian who presented the bill, the legislature (including twenty-one other Norwegians and Swedes) which passed it, and the Governor who signed it, all showed the same quality of ignorance and neglect of fact, law, and English. A second law, undoubtedly based directly upon the first, even to copying its confusion of terms, was the act passed by the legislature of North Dakota in 1891, creating a chair of Scandinavian language and literature in the University of North Dakota.[34]

[32]*The General Statutes of the State of Minnesota*, 1894, secs. 3908-3909 (*Laws of 1883*, Chap. 140.)

[33]Nelson, *Scandinavians in the United States* (1st ed.), I, 541-542.

[34]*Revised Codes of North Dakota*, 1895, sec. 887 (*Laws of 1891*, chap. 60).

Another statute having still more distinct Scandinavian earmarks was passed by the legislature of North Dakota in 1893, providing for tribunals of conciliation, to be composed of four commissioners of conciliation elected in each town, incorporated village, and city. The measure was modelled in a feeble and tentative fashion after a statute of Norway, where such courts have been in operation since 1824, proving especially efficient in securing amicable adjustment of petty neighborhood difficulties.[35] But the law in North Dakota speedily fell into "innocuous desuetude," in spite of the enormous percentage of Norwegians in that State; its construction was defective; its constitutionality was questioned; its machinery was cumbersome and expensive. During its first two years, many communities failed to elect commissioners, and no serious attempt was made to comply with its provisions; even the Norwegians themselves manifested no anxiety or haste to make use of this characteristically Norwegian court. Nor did the amendment of 1895, substituting for compulsory use of the tribunal hearings at the request of one party and with the consent of both parties, improve matters. One Norwegian attorney pronounced the law "an unmitigated absurdity under present conditions," because most suits in the United States arise out of contracts, debts, titles, etc., rather than out of neighborhood quarrels, slanders, and the like.

In all matters relating to temperance and temperance legislation, the Scandinavian voters have almost invariably been on the side of restriction of the saloon and the liquor traffic. They have supported prohibition in Iowa and in the Dakotas, high license in Minnesota, and the patrol-limit system in Minneapolis.[36] The prohibition State and local tickets, especially in Minnesota, and in the Dakotas,

[35]Letter of Siver Serumgard, City Attorney of Devil's Lake, N. D., March 24, 1896, and various other letters.

[36]*Minneapolis Journal,* Jan. 16, 1891. In Dakota "the reform was asked for more earnestly by the Scandinavian element than by any others." Ralph, *Our Great West,* 152.

always have a large proportion of Norwegians and Swedes among their nominees.[37] The best illustration of this sentiment, however, is to be found in the history of prohibition in North Dakota. When the new constitution for the proposed State was made and presented to the people in 1889, the section which provided for the absolute prohibition of both the manufacture and sale of intoxicating liquors was submitted separately to the voters. Thus the prohibition issue was presented fairly and squarely to every man in the State. The constitution itself was carried by a majority approximating twenty thousand in a total vote of upwards of thirty-five thousand; the prohibitionist section received a majority of 1159. Analysis of the vote by counties makes it clear that in every county where the Scandinavians predominated, with a single exception, the section was carried by fair majorities.[38] The question of re-submission of this section to the vote of the people of the State came up in 1895, and was postponed indefinitely by the House of Representatives of the State of North Dakota by a vote of twenty-six to twenty-two, fourteen of the sixteen Scandinavian members of the House voting with the twenty-six.[39] This seems to justify the opinion of the Secretary of State of North Dakota: "Nearly all Scandinavian members of the legislature have invariably voted against the resubmission of the question to the people. . . . It is safe to say that at least three-fourths of the Scandinavian population of this State favor prohibition, and one-half of them are earnest advocates of the law."[40]

The only remaining question as to the political influence of the Scandinavians is the claim of the Swedes and Norwegians for "recognition" at the hands of old parties;

[37]The ticket voted in Minneapolis in 1893, illustrates this tendency. Among the Prohobitionist nominees were two Scandinavian presidential electors, the lieutenant governor, secretary of state, county treasurer, one candidate for the legislature, and one for the city council!

[38]*Legislative Manual of North Dakota,* 1889-1890, 170, compared with the population tables of the census of 1890; Ralph, *Our Great West,* 152.

[39]*Ibid.,* 1895, 19-20; *Minneapolis Sunday Times,* Feb. 10, 1895.

[40]Letter from C. M. Dahl, March 24, 1896.

and the concessions which such claims have extorted. From the foregoing accounts, it is evident that the Scandinavians have been ready in fitting themselves into the political system of the United States. Altho they have not been guilty of that excessive and pernicious activity in the field of public affairs which has characterized some classes of immigrants settling by preference in the great cities, it must be admitted that they have now and then appealed to race pride and prejudice and jealousy, remarking boundary lines and distinctions which should be obliterated. The practical politicians, on their part, have not hesitated to stir up, for party advantage, the sensitiveness of naturalized citizens to real or imaginary slights and discriminations against them by "the other party."

The appeal of the Norwegian and Swedish press is not infrequently based frankly on the essential sentiment of clannishness: "Scandinavians in Superior and other places should always support a country man for election to public office," and if he is in all ways worthy, "we should all together rally around him, lay aside all small considerations, and honor him with our trust and esteem."[41] Ridiculing the narrowness of these "demands," another editor, under the heading "From Norway, Birthplace of Giants," suggests a full Republican ticket of Norwegians, including Rasmus B. Anderson, "Republican pro tem.," and also a full Democratic ticket of Norwegians, including Rasmus B. Anderson, "thinking that he may next year be a Democrat again."[42] This trick of asserting their political importance in the Northwestern States was very early learned; and so long as party managers bid for votes in the tongues of the aliens, bribing them with nominations of the foreign-born, just so long will these groups of adopted citizens reiterate and multiply their demands, just so long will they capitalize their voting power and collect a generous interest in the shape of nominations and appointments. It must not be supposed that the Norwegian and

[41]Editorial in *Superior Tidende* (Wisconsin), Feb. 2, 1898. See also *Vikingen,* Aug. 18. 1888.

[42]P. O. Strömme in *Amerika og Norden,* Feb. 2, 1898.

Swedish party papers in America exist for the primary purpose of forwarding the political interests of people of those nationalities as such, for they do not, any more than do the partisan papers printed in English, but the Scandinavian groups are so large and so definite that appeals to them to stand together as a race for their own interests are inevitable.

So early as 1870, one of the leading Norwegian newspapers declared that it was time for the Norwegians to get a Representative in Congress just as well as other nationalities—"*ligesaavel som andre nationaliteter.*"[43] The editor suggested that the eight thousand Norse voters in the southern Minnesota district hold a convention the day before the regular Republican convention, and agree upon a candidate for the Congressional nomination: if the Republicans refused to nominate him, put on the screws! About twenty years later this very method was resorted to in North Dakota, when the Scandinavians of that State "in mass convention assembled," proceeded to pass resolutions and to organize the Scandinavian Union of North Dakota, to secure for themselves "that share in the government to which their competency, their character and numerical strength, and their rank as pioneers in all matters of civilization entitle them." While declaring that it believed that every man should stand or fall on his own merits, the convention resolved "that we have seen with deep regret the disposition of a large number of our fellow citizens in some parts of North Dakota to discriminate against us, because we are Scandinavians, and that an unprovoked war has been waged against us."[44] The Hon. M. N. Johnson, presiding officer, presumptive beneficiary of the Union, an aspirant for nomination as Representative, stated the case very frankly: "The Scandinavians

[43] *Fædrelandet og Emigranten*, July 10, 1870. See also an editorial in *The North*, June 12, 1889, regretting that the question of national proportions and groups should be raised "but the principle having been recognized, we consider it our plain duty to see that it is fairly and squarely enforced."

[44] *The North*, July 10, 1889.

constitute a majority of the Republican party in North Dakota. Under the territorial government they have not received many official favors, but with the opening of statehood it is proper that they should have some recognition. The Scandinavians are not disposed to leave the Republican Party. They are heartily loyal to the organization and its principles. We have the numerical strength to demand and secure justice, and all we ask is fair play. . . . We are simply organizing our forces for united action in urging our just demands."[45] Their just demands consisted in "from three to five of the State officers, and if they stand together and attend the primaries, there is no doubt but that they will get what they ask for."[46]

The effectiveness of this movement is sarcastically summed up by a correspondent of *The North*, in reporting the Republican convention: "M. N. Johnson's Scandinavian League has evidently come out of the small end of the horn. To be sure M. N. was made the chairman of the convention and the dear Scandinavians got honorary mention in the resolutions: but M. N.'s chairmanship was evidently devoid of results beneficial to the Scandinavians, and as for resolutions—talk is cheap!"[47]

In an editorial in English *Skandinaven* discussed "Governor Sheldon's Mistake" in 1893: "Upwards of one-third of the population of South Dakota is of Scandinavian birth or origin, while Scandinavians furnish not less than one-half of the Republican vote of the State. Governor Sheldon is apparently oblivious to this fact; for in making his appointments he saw fit to ignore the Scandinavian-American citizens of South Dakota. For the sake of the Republican party of the State this mistake is very much to be regretted. The Scandinavians are sensitive of their

[45] *The North*, July 10, 1889, including translations from *Posten og Vesten* of Fargo.

[46] *Ibid.*, letter of Sigurd Syr.

[47] *Ibid.*, Aug. 28, 1889. After the fall election the same paper, October 9, announced: "The Scandinavian Union thus seems barren of results. . . . Peace be with its ashes!"—because it secured only 5 senators and 18 representatives in the State legislature.

rights as American citizens. What has the Republican party of South Dakota done to Governor Sheldon that he should deal it such a dangerous blow?"[48] Five years later the governor of Minnesota was accused of a like offence in that, on the State boards appointed by Governor Merriam, the Scandinavians were "insufficiently represented," having only five out of one hundred members, or one-twenty-fifth, when they constituted one-third of the population of the State.[49]

The pettiness of these squabbles over political "recognition" and spoils is well illustrated by a letter written in Oshkosh, Wisconsin, to a Minneapolis newspaper in 1889: "While our people here number over 3000, and the Irish only 1400, the latter hold a still larger percentage of offices than they do in your city. This year for the first time the Scandinavians (or more correctly speaking, the Danes) have succeeded in obtaining a place on the police force"![50]

These insistent demands do not stop with simple recognition of the Scandinavian race: different sections must be satisfied. The most influential Swedish paper of the Northwest announced in 1890 that "what we on the other hand with full propriety and without the least danger of transgression can demand, is a man of Swedish descent at the head of one of our State departments. To deny them (Swedes) this just recognition would stir up bad feeling, and would be looked upon as a slight, not to say contempt. Our brethren, the Norwegians, are a little more numerous in Minnesota, than the Swedes, although not equaly good Republicans. They, too, are entitled to a place on the State ticket, and for a long time have had one [Lieutenant Governor Rice]."[51]

The failure of the Scandinavians to receive what some of them consider a just and due reward, one in proportion

[48] *Skandinaven,* April 5, 1893.

[49] *The North,* Jan. 22, 1890, quoting in translation from *Fædrelandet og Emigranten.*

[50] *The North,* July 17, 1889.

[51] Translated from *Svenska Folkets Tidning* (Minneapolis), April 20, 1890.

to their numbers and their devotion to one party, is not to be attributed wholly to the hardness of heart of the party leaders, nor to their shortsightedness. Nor can it be fairly charged to any strong dislike of Swedes, Norwegians, and Danes for each other: the Swedes, for example, have never bolted a ticket because it happened to be headed by a Norwegian.[52] In addition to the extension of religious antagonism into politics, "there is still another reason for the limited success of the Scandinavians in the political field, and that is their natural apathy [antipathy?] to following a leader. Each one considers himself competent to work on his own hook. To follow a leader seems incompatible with their ideas of liberty. Yet without union and without leaders, victory is impossible. 'Everybody for himself, and the Devil for the hindmost' is the law governing American life, and this the Irish have learned, while the Scandinavian is generally waiting for someone to come along and offer something with the polite 'if you please.' But he has to wait."[53]

The Scandinavian press, in complaining of "a failure to get a due share of offices," in declaring that Norwegians are "entitled to ten seats" in the Wisconsin legislature when they happen to have but three, or in insinuating that they have never been fittingly recognized in Iowa, resorts to political claptrap, often quite unworthy of the journal printing it. The facts so easily forgotten are that the counties and legislative districts in which the Scandinavians are a ruling majority are comparatively few, while the districts in which they are an influential minority are very many.[54] The system of representation in the United

[52]Boyeson, "The Scandinavians in the United States," *North American Review*, CLV, 531; *Rockford Register* (Ill.), Sept. 16, 1889.

[53]*The North*, Aug. 14, 1889, translating from *Skandinavia* (Worcester, Mass.)

[54]*Billed Magazin*, I, 139 (1869); *Skandinaven*, Feb. 5, 1896—an editorial printed, like many others, in English and evidently designed for the consumption of editors of English papers. It is also evident that *Skandinaven's* readers understood English. Söderström, *Minneapolis Minnen*, 132, gives a fairly complete list of all the Swedes, Norwegians, and Danes

States is not based on any racial divisions or class distinctions, and not until some scheme of minority representation is adopted can any foreign element get its "share" of the political plums. It would be hard to suggest a more dangerous and disrupting experiment, in these decades when aliens by the hundreds of thousands, not to say millions, enter the country and are incorporated into the body politic, than to attempt to "recognize" the various alien factors in complex public affairs, even if they were all as adaptable as the men from the Northlands. Nothing would do more, for example, to develop the latent religious and racial antipathies between the Scandinavians and the Irish. The fundamental assumption, therefore, which lies back of all claims for "recognition" of Swedish-Americans, or other hyphenated Americans, as such, savors of ward politics and the machine, rather than of political equity or right, and just so far as it does this it menaces social and political safety.

elected or appointed to city, state or county office, even including policemen. For similar list for a rural county, see Tew, *Illustrated History and Descriptive and Biographical Review of Kandiyohi County, Minnesota* (1905).

CHAPTER XIII.

Conclusion

The meaning of the word American as applied to the inhabitants of the United States, has undergone a great change as they have multiplied fifteenfold in numbers and many times in varieties of nationalities in the course of a century. In that progress the Norwegians, Swedes, and Danes have played a conspicuous and constructive part. As late as 1840, American ordinarily meant a white person of English descent, born in America or resident in the United States long enough to understand and accept as fundamental and vital certain political and social ideals and ideas. That simple and definite significance applies no more. The American race is already alarmingly complex, tho the old type has been more closely adhered to than would be expected from an enumeration of the elements which have gone into the crucible.

In temperament, early training, and ideals, the Scandinavians more nearly approach the American type than any other class of immigrants, except those from Great Britain. In such features as adaptability and loyalty without reservation, no exceptions need be made. They have not come to the New World merely to get away from Europe, nor to escape Siberian exile or an Abyssinian war; nor has their motive been one of ordinary adventure-seeking. Theirs has been a determined purpose and a serious resolve to "arrive" somewhere in America, and, finding their places, to fill them with honorable endeavor and steady ambition. They have come as families, or with a wholesome desire to establish families for themselves. Most of them have fallen considerably below the best types of their own nationalities; their conservatism has sometimes been of the degenerate sort bordering on stolidity; their independence and individualism has come painfully near stubbornness; and their shrewdness has not infre-

quently developed into insincerity. They have now and then manifested a clannishness which led them into disagreeable, if temporary, complications.

The fact that this characteristic or that tendency exists in an immigrant or alien element, should not cause disturbance of mind to the good citizen, the statesman, or the scholar; the real question is whether this characteristic or tendency is growing stronger or disappearing more or less rapidly. For example, is the stolidity of a group deepening, or does mental agility develop in the second and third generation? That the Scandinavians have readily outgrown much of their clannishness, perceptibly quickened their energies in the new environment, and developed notably in social, commercial, and political efficiency cannot be seriously questioned by any one who studies their activities as a whole, or who has observed them for two generations.

The immigrants from the North are decently educated, able-bodied, law-abiding men and women, not illiterates, paupers, or criminals. They are not here as exiles from home and country for a few years, after which they purpose to return to their native lands, there to enjoy a cheap and narrow idleness. They are in the United States as citizens, to become thoroly and loyally American. Their ingrained habits of industry and economy, coupled with a natural conservatism and shrewdness, have given them material success and contributed in large measure to the prosperity of the States in which they have made their settlements. They have ever striven for homes, and while some of them have been content for a few years to serve others, the proletariat has not been largely recruited from them. Mere wage-earning has not been a permanent condition, but a stepping stone to a greater or less degree of independence. In politics and in war they have evidenced their ability to stand side by side with the native-born of New England, Pennsylvania, Ohio, and Indiana, and, with real faithfulness and efficiency to fill such places, low or high, as shall be opened to them.

Tho as Swedes, Norwegians, and Danes they will gradually disappear, becoming indistinguishable from other Americans, their fundamental characteristics cannot be blotted out even in the third and fourth generation. Men do not change so readily, even under the most favorable conditions. Fresh additions from Europe will continue to re-enforce the old stock; but they too will be sturdy, independent, and Protestant. It is not too much to expect that their virtues of intelligence, patience, persistence, and thrift, will be preserved as they mingle in the current of national life. The demand for these qualities will be steady; the supply on the part of the Scandinavians will not be readily exhausted. The intermarriage and amalgamation of two peoples so closely allied as the Scandinavians and Americans connotes much of promise and little of danger.

Several forces will continue to operate in the future, as they have in the past, against perpetuating any distinctively Scandinavian influence on the population or institutions of the United States. All three Northern peoples are particularly free from other than traditional ties and sentimental attachments binding them to the mother countries. No one of the three kingdoms is great or powerful in the affairs of Europe; the heroes of the past, like Gustavus Adolphus, are too far away in time to affect powerfully the imaginations of today. Patriotism with them in the Old World is quite as much a sentiment or love for the parish or the homestead as it is a fierce and militant passion for the power and leadership of the nation. No dramatic outbursts of national feeling, or antagonisms to ancient enemies, will rekindle old enthusiams in the American Scandinavians. Even the prospect of war between Norway and Sweden, when the former dissolved the Dual Monarchy, did not profoundly stir the Swedes or Norwegians in the Northwest; and had war broken out all the recruits from America could probably have been shipped across the Atlantic in one voyage of a small steamship.

Furthermore, no great and permanent causes centering in Europe continually demand their active and intense sympathy and financial aid, knitting them closely together, as in the case of the Irish or the Russians. The Scandinavian contributions to European causes have been filial and fraternal, never political, never revolutionary, never such as to raise a national issue in America. Their church organizations, decentralized, centrifugal rather than centripetal, recognizing no unity under a temporal head, cannot be turned into a keen, insinuating political weapon. They have no secret societies ramifying through their settlements, no Mafias, "Molly Maguires," anarchist lodges, or other badges of ancient servitude or foreign hates.

The Scandinavians, knowing the price of American citizenship, have paid it ungrudgingly, and are proud of the possession of the high prerogatives and privileges conferred. They fit readily into places among the best and most serviceable of the nation's citizens; without long hammering or costly chiseling they give strength and stability, if not beauty and the delicate refinements of culture, to the social and economic structure of the United States.

For all these reasons the difficulties of the United States in adjusting the life and ideals and institutions of the nation to the presence of foreigners are reduced in the case of the Scandinavians to a minimum. The Swedes, Norwegians, and Danes are not likely to furnish great leaders, but they will be in the front rank of those who follow with sturdy intelligence and conscience, striving to make the land of their adoption strong and prosperous,— "a blessing to the common man," according to the original vision of America seen by Sweden's great king Gustavus Adolphus. They will be builders, not destroyers; their greatest service will be as a mighty, silent, steadying influence, re-enforcing those high qualities which are sometimes called Puritan, sometimes American, but which in any case make for local and national peace, progress, and righteousness.

CHAPTER XIV.

Critical Essay on Materials and Authorities

The term bibliography does not accurately or fully describe the materials upon which this study of the Scandinavians in the Northwest is based. To the printed sources of all sorts,—official reports of European and American governments, autobiographies, travels, and the like—and to a wide range of secondary works, there must be added much matter relating to the subject gathered by means of personal interviews, correspondence, and observations extending over a series of years. The Scandinavian press is an inexhaustible mine of source material; its information, in nuggets, flakes, and fine particles, must be sought for diligently, extracted, refined, and shaped; but it is the purest source material, nevertheless, comprising brief autobiographies, letters, personal opinions, description of surroundings and movements, and contributions to current discussion in politics, religion, and education. The county and local histories which multiplied rapidly between 1880 and 1895, and which have not yet ceased to appear, are not far from the borderland of source material. Their sketches of men and women and settlements, tho for the most part of a crude, innocent, laudatory type based upon brief personal interviews by canvassers and elaborated according to the varying size of the subscriptions of individuals, are almost indispensable for certain statistical purposes.

The customary distinction between source material and secondary material is often hard to maintain, so recent is the Scandinavian immigration, and so numerous are the first-hand and second-hand accounts by contemporaries participating in or observing the phenomena under consideration. The Northern peoples settling in the United

States have had no William Bradford for a historian, but the work of Norelius and Mattson is in a class similar to that of *Plimouth Plantation.*

The best bibliography of immigration in general is that published by the Library of Congress, A. P. C. Griffin (compiler), *A List of Books (with References to Periodicals) on Immigration* (3rd issue, with additions, 1907), but this is not complete, especially as relating to Scandinavian immigration. It omits all state documents, but is strong in its list of Congressional and executive documents. For the Scandinavian movement, the bibliography in O. N. Nelson (editor), *History of the Scandinavians and Successful Scandinavians in the United States* (2nd ed., I, 265-295), is the most useful, though it is unfortunately arranged on a strictly chronological basis in two parts. It is, however, far from complete, omitting practically all Federal and State publications, and all periodicals save for specific mention of certain articles. In the field of periodicals, is *Bibliografi; Svensk-Amerikansk Periodisk Literatur* (being No. 8, *Kungl. Bibliothekets Handlingar,* Stockholm, 1886).

In a general way, the following bibliography includes only those books, pamphlets, periodicals, and newspapers which were directly used in the preparation of this volume. In the case of foreign publications, the place as well as the date of publication is usually given.

DOCUMENTARY SOURCES

1. *Official Publications of the United States.*

Five series of reports published by the Federal Government are of very great importance in the study of immigration, both for their scope and their accuracy: the *Reports* of the censuses from 1850 to 1910; the *Annual Statistical Abstracts* (36 vols., 1879-1913); *Annual Reports of the Commissioner-general of Immigration* (17 vols., 1891-1909); *Reports from the Consuls of the United States* (notably vol. 22, No. 76, 1887), particularly those from the consuls in Norway, Sweden, and Denmark; and

Special Consular Reports (particularly vol. 30, 1904). *The Report of the Industrial Commission* (especially vols. XV. (1901) and XIX (1902), contains a vast amount of recent, complete, and diversified material in the testimony taken by the Commission and in the well-digested reports prepared by experts like John R. Commons. The Bureau of Statistics of the Treasury Department, *Immigration into the United States, showing number, nationality, sex, age, destination* (etc.) *from 1820-1903* (in *Monthly Summary of Commerce and Finance*, June, 1903), gives general tables and a review in convenient form.

The following reports of committees of the House of Representatives and of the Senate include usually the "hearings" of the committees, if any have been held: *Report from the Committee on Immigration and Naturalization*, 51 Cong., 2 Sess., H. R. No. 3472 (Owen Report, 1891); 52 Cong., 1 Sess., H. R. No. 2090 (Stump Report, 1892); *Report of the Committee on Immigration*, 52 Cong., 2 Sess., S. R. No. 1333 (Chandler Report, 1893); 54 Cong., 1 Sess., S. R. No. 290 (Lodge Report, 1896); 57 Cong., 2 Sess., S. Doc. No. 62 (Penrose Report, 1902). Special reports of importance are: *Report of the Immigration Investigating Commission* (1895); Edward Young, Chief of the Bureau of Statistics, *Special Report on Immigration*, (42 Cong., 1 Sess., H. Mis. Doc. No. 19, (1871); and C. C. Andrews, *Report made to the Department of State on the Conditions of the Industrial Classes in Sweden and Norway* (1874).

In a class by itself is the recent elaborate *Report of the Immigration Commission*, S. Docs., 61 Cong., 2-3 Sess. (Dillingham Report, 1910-1911), 43 vols., of which vols. 1 and 2 (Abstract), 4, 34, and 36 are specially important for this study. The *Report* is by far the most scientific, thorough-going, and detailed study of the nature, extent, distribution and results of immigration to the United States, and to a few other countries like Canada, Australia, and Brazil, which has yet been produced.

Various volumes of the United States *Statutes at Large* and the *Congressional Directories* have also some material.

2. *Official Reports of Scandinavian countries.*

DENMARK: annual volumes of *Statistisk Aarbog.*

NORWAY: annual volumes of *Norges Officielle Statistik* (1870-1913), of *Norges Land og Folk* (1885-1906), and of *Meddelelser fra det Statistiske Centralbureau* (1883-1899); and *Oversigt over Kongeriget Norges civile, geistlige og judicielle Inddeling* (1893).

SWEDEN: annual issues of *Bidrag till Sveriges officiella statistik* (1857-1913), covering a wide range of topics. Gustav Sundbärg (editor), *Sweden, Its People and Its Industry* (1904), is a valuable "historical and statistical handbook published by the order of the Government" of Sweden, in Swedish, English, and French.

NORWAY,—*Official Publication for the Paris Exhibition, 1900* (Christiania, 1900) is a companion volume to that for Sweden just mentioned.

3. *Official Publications of Great Britain.*

The *Report of the Board of Trade on Alien Immigration* (into the United States) (London, 1893) is at once able, comprehensive, judicious.

4. *Official Publications of the Northwestern States.*

The various annual or biennial legislative handbooks contain useful biographies and statistics, especially the volumes since 1880: *The Legislative Manual of the State of Minnesota; Wisconsin Blue Book; The Legislative Manual of North Dakota; South Dakota Political Handbook and Official and Legislative Manual* (sometimes entitled *South Dakota Legislative, Executive, and Judicial Directory*). Of the great number and variety of official State documents and reports, those most directly useful for this study are the volumes of statistics of Wisconsin, Illinois, Iowa, Minnesota, North Dakota, and South Dakota; those relating to the State censuses, State institutions (a board

of control as in Wisconsin and Iowa, or a board of charities and corrections, for certain institutions, in Minnesota and South Dakota), commissioners or boards of immigration, and boards of health. Reports of officers in charge of immigration matters are in State documents as follows: Wisconsin, 1853, 1854, 1869-1875, 1880-1882, 1884, 1886, 1897, 1900; Iowa, 1872; Minnesota, 1867-1872. The publications of certain institutions chiefly supported by the States, like the Wisconsin Historical Society, the State Historical Society of Iowa, especially vol. III (1905), and the Minnesota Historical Society, really fall into this class of sources.

GENERAL WORKS

The classical work on the broad subject of immigration, notable alike for the breadth and penetration of its views, is Richmond Mayo-Smith, *Emigration and Immigration: a Study in Social Science* (1890). Two other works by the same authority, are: *Immigration and the Foreign-Born Population* (in vol. III of the *Publications of the American Statistical Assn.*, 1893), and *Statistics and Sociology* (1895). The *Publications* of the Immigration Restriction League take a wide range in 63 pamphlets (1894-1914). Next to these in importance come: Prescott F. Hall, *Immigration and its Effects upon the United States* (1906), an excellent and compact study, somewhat marred by the bias of its author, who is secretary of the Restriction League; J. R. Commons, *Races and Immigrants in America* (1907), a popular rather than profound statement, but the fresh work of a careful scholar; E. A. Steiner, *On the Trail of the Immigrant* (1906); S. McLanahan, *Our People of Foreign Speech . . . with particular reference to religious work among them* (1904).

A group of more recent works by competent scholars combining qualities of penetration and popular presentation in satisfying proportions are: H. P. Fairchild, *Immigration: a World Movement and its American Significance* (1913); J. W. Jenks and W. J. Lauck, *The Immigration Problem* (3d ed. revised and enlarged, 1913), by two men

intimately connected with the making of the Dillingham Report; E. A. Ross, *The Old World in the New: The significance of past and present immigration to the American people* (1914); especially ch. IV; F. J. Warne, *The Immigrant Invasion* (1913), ch. XII.

Of less direct bearing, but valuable: W. J. Bromwell, *History of Immigration to the United States* (1856); F. L. Dingley, *European Immigration* (1890); F. Kapp, *Immigration and the Commissioners of Immigration of the State of New York* (1870); R. M. LaFollette (editor), *The Making of America,* vols. II, and VIII (1906); F. A. Walker, *Discussions in Economics and Statistics,* vol. II (1899).

The great mass of periodical literature is listed in Griffin's bibliography, already cited. Including general and special articles and some speeches in the *Congressional Record,* nearly 700 titles are arranged chronologically. The list is incomplete, omitting several articles, dealing particularly with the Scandinavians.

SPECIAL HISTORIES

Three works deal with the history of the Scandinavian immigration in a large-spirited, comprehensive way, and by these characteristics stand out from the mass of less important works. O. N. Nelson (compiler and editor), *History of the Scandinavians and Successful Scandinavians in the United States* (2 vols., 2nd revised ed., 1904), is made up of specially prepared articles, reprinted articles, statistical tables, a bibliography, and some two hundred and eighty biographies of men in Minnesota, Wisconsin and Iowa. It is very uneven, and on almost every page betrays at once the zeal, honesty, and the inadequate training of the authors and the compiler. It might almost be characterized as a cyclopedia of the Scandinavians in America. E. Norelius, *De Svenska Lutherska Församlingarnas och Svenskarnes Historia i Amerika* (1890), while nominally a church history is in reality an excellent history of Swedish settlement; George T. Flom, *A History of Norwegian Immigration to the United States from the Earliest*

Beginning down to the Year 1848 (1909), made up in part of articles mentioned elsewhere, is a painstaking, exhaustive, accurate account of Norwegian immigration of that period into Wisconsin, Iowa, and Illinois.

Other books dealing with special groups or States or localities are: Axel A. Ahlroth, *Svenskarne i Minnesota—Historiska Anteckningar* (Westervik, 1891); Rasmus B. Anderson, *The First Chapter of Norwegian Immigration, 1821-1840*, a prolix, padded, but valuable volume; and *Tale ved Femtiaarsfesten for den Norske Udvandring til Amerika* (1875); John H. Bille, *A History of the Danes in America* (*Trans. Wis. Acad. of Sciences, Arts, and Letters*, XI, 1896), a short pamphlet; Tancred Boissy, *Svenska Nationaliteten i Förenta Staterna* (Göteborg, 1882), a reprint of correspondence in *Sydsvenska Dagbl. Snällposten*; J. W. C. Dietrichson, *Reise blandt de Norske Emigranter i "de forenede Nordamerikanske Fristater"* (Stavanger 1846, and reprinted Madison, 1896), a historical and contemporary description of the early settlements, and *Vogle Ord fra Prædikestolen i Amerika og Norge* (1851); Robert Grönberger, *Svenskarne i St. Croix-Dalen, Minnesota* (1879), an early and reliable piece of work; George Kæding, *Rockfords Svenskar—Historiska Anteckningar* (1885); Knud Langeland, *Nordmændene i Amerika—Nogle Optegnelser om de Norskes Udvandring til Amerika* (1889),—one of the very best of the books on the Norwegians; C. F. Peterson (see also Eric Johnson), *Sverige i Amerika—Kulturhistoriska och Biografiska Teckningar* (1898); Johan Schroeder, *Skandinaverne i de Forenede Stater og Canada, med Indberetninger og Oplysninger fra 200 Skandinaviske Settlementer* (1867),—full of the most valuable information about life and conditions in the Northwest; Ole Rynning, *Sandfærdig Beretning om Amerika til Oplysning og Nytte for Bonde og Menigmand* (Christiania, 1838),—a remarkably clear, compact, and influential pamphlet; Carl Sundbeck, *Svenskarna i Amerika, Deras Land, Antal, och Kolonier* (Stockholm, 1900); Alfred Söderström,*Minneapolis Minnen* (1899), an excellent, extensive, newspaper-like description of the life and

activities of the Scandinavians in that half-Norse city; Alfred Strömberg, *Minnen af Minneapolis* (1902); *Underretning om Amerika, fornemmeligen de Stater hvori udvandrede Normænd have nedsat sig, ... udgivne af X* (Skien, 1843); M. Ulvestad, *Nordmændene i Amerika, deres Historie og Record* (1907); P. S. Vig, *Danske i Amerika* (1900; Johs. B. Wist, *Den norske Indvandring til 1850, og Skandinaverne i Amerikas Politik* (1884?),—a small but suggestive pamphlet.

On the Bishop Hill colony, the best authorities are: Michael A. Mikkelsen, *The Bishop Hill Colony, a religious communistic Settlement in Henry County, Illinois* (*Johns Hopkins University Studies*, X, No. 1, 1892)—the most convenient work in English, based almost entirely on Norelius, and on Johnson and Peterson, *Svenskarne i Illinois*, Johnson being a son of the founder, Eric Janson; Emil Herlenius, *Erik-Jansismens Historia, ett Bidrag till Kännedomen om det Svenska Sektväsendet* (Jönköping, 1900); *History of Henry County, Illinois* (1877); *Erick Jansismen i Nord Amerika* (Gefle, 1845); Hiram Bigelow, *The Bishop Hill Colony* (No. 7 of the *Publications of the Illinois State Historical Library*, 1902); W. A. Hinds, *American Communities* (1902).

SELECT ARTICLES IN PERIODICALS

Articles in periodicals: R. B. Anderson, "Norwegian Immigration," "The Coming of the Danes," "Icelandic Immigration," *Chicago Record Herald* (June 19, 26, July 24, Aug. 21, 1901); K. C. Babcock, "The Scandinavians in the Northwest," *Forum*, XIV (1892), "The Scandinavian Contingent," *Atlantic*, LXVII (1896), "The Scandinavian Element in American Population", *American Historical Review*, *XVI* (1911); H. H. Boyesen, "Norse Americans," *The American*, I (1880), "The Scandinavians in the United States," *North American Review*, CLV 1892); G. T. Flam, "The Scandinavian Factor in the American Population," *Iowa Journal of History and Politics*, III (1905), and (in Norwegian translation) in *Vor Tid*, I (1905); A. H. Hyde, "The Foreign Element in

American Civilization," *Popular Science Mo.*, LII (1898); Luth Jæger, "The Scandinavian Element in the United States," *The North*, June, 1889,—with many other similar discussions in the same weekly paper, all of them excellent; Kristofer Janson, "Norsemen in the United States," *Cosmopolitan*, IX (1890); Axel Jarlson, "A Swedish Emigrant's Story," *Independent*, LV (1903); F. H. B. MacDowell, "The Newer Scandinavia—a Sketch of the Growth and Progress of the Scandinavian Races in America," *Scandinavia*, III (1884); J. A. Ottesen, "Bidrag til vore Settlementers og Menigheders Historie," *Amerika* (Apr. to Nov., 1894),—an elaborate series of articles, full of genealogical and community details; E. A. Ross, "Scandinavians in America," *Century*, LXXXVIII (1914); Geo. T. Rygh, "The Scandinavian Americans," *The Literary Northwest*, II (1893); Albert Shaw, "The Scandinavians in the United States," *Chautauquan*, *VIII* (1887).

State and Local Histories

The number of historical books and pamphlets relating to the States, counties, cities, and settlements in the Northwest is very great, and for the larger part, unsatisfactory but indispensable. They have usually been written by ambitious but untrained persons, either as commercial ventures, advertising agencies, or as the pastime of retirement or old age; they are nevertheless full of suggestive data; now and then one is found which can be trusted throughout.

A. MINNESOTA

First in importance for the Scandinavian settlements in Minnesota are four county histories: *History of Fillmore County, including Explorers and Pioneers of Minnesota* (1882); *History of Goodhue County* (1882); *History of Houston County, etc.* (1882); Martin E. Tew and Victor E. Lawson and J. E. Nelson, *Illustrated History and Description and Biographical Review of Kandiyohi County, Minnesota* (1905),—easily the best local history relating to Scandinavian settlement, as well as one of the latest and most comprehensive. Closely connected with this last

work in scope and value is Alfred Söderström, *Minneapolis Minnen: Kulturhistorisk Axplockning från Qvarnstaden vid Mississippi* (1899). Other works dealing with the State or sections: Isaac Atwater (editor), *History of the City of Minneapolis, Minnesota* (1893); Fredk. W. Harrington, *Geography, History, and Civil Government of Minnesota* (1883); Soren Listoe, *Staten Minnesota i Nord Amerika* (1869); *History of the Minnesota Valley* (1882); *History of the Upper Mississippi Valley* (1882).

W. A. Gates, *Alien and Non-resident Dependents in Minnesota* (in *Proceedings* of National Conference of Charities and Correction, (1899); F. H. B. MacDowell, "Minneapolis and her Scandinavian Population", *Scandinavia*, III (1884); Louis Pio, "The Sioux War, in 1862—a Leaf from the History of Scandinavian Settlers in Minnesota", *Scandinavia*, I (1883).

B. WISCONSIN

Of the State as a whole: J. W. Hunt, *Wisconsin Gazetteer, containing the Names, Locations, and Advantages of the Counties, Cities, Towns, Villages, Postoffices, and Settlements* (1853); Wm. R. Smith, *The History of Wisconsin, in three Parts: Historical, Documentary, and Descriptive* (1852); Alexander M. Thompson, *A Political History of Wisconsin* (1902); Charles R. Tuttle, *An Illustrated History of the State of Wisconsin* (1875); R. G. Thwaites, *Preliminary Notes on the Distribution of Foreign Groups in Wisconsin* (in *Annual Reports of State Historical Society of Wisconsin*, 1890); G. W. Peck (editor), *Cyclopedia of Wisconsin*, 2 vols. (1906).

For the localities: Spencer Carr, *A Brief Sketch of La Crosse, Wisconsin* (1854); Daniel S. Durrie, *A History of Madison, the Capital of Wisconsin with an Appendix of Notes on Dane County* (1874); E. W. Keyes, *History of Dane County, 3 vols.* (1906); *The History of Racine and Kenosha Counties* (1879); *The History of Rock County* (1879); *The History of Waukesha County* (1880); H. L. Skavlem, "Scandinavians in the Early Days of Rock County, Wisconsin", *Normands-Forbundet* (1909).

C. ILLINOIS

Charles A. Church, *History of Rockford and Winnebago County, Illinois, From its first Settlement in 1834 to the Civil War* (1900); *History of Henry County, Illinois* (1877); *The Past and Present of La Salle County* (1877); John M. Palmer, *The Bench and Bar of Illinois. Historical and Reminiscent* (1899).

Eric Johnson (Janson) and C. F. Peterson, *Scanskarne i Illinois, Historiska Anteckningar* (1880), is an early work of limited scope but judiciously written.

E. W. Olson (Editor with A. Schön and M. J. Engberg), *History of the Swedes of Illinois,* 2 vols. (1908), has some valuable chapters in the first volume, especially ch. IV on the Bishop Hill Colony, and the chapters dealing with Swedish churches; volume two is devoted to the usual illustrated biographies.

D. IOWA

Charles R. Tuttle, *An Illustrated History of the State of Iowa* (1876); W. E. Alexander, *History of Winneshiek and Allamakee Counties, Iowa* (1882); Charles H. Sparks, *History of Winneshiek County, with Biographical Sketches of its Eminent Men* (1877); J. J. Louis, *Shelby County;* Charles H. Fletcher, *The Centennial History of Jefferson County* (1876); *A Biographical Record of Boone County* (1902); A. Jacobson, *The Pioneer Norwegians* (1905).

G. T. Flom, "The Coming of the Norwegians to Iowa," *Iowa Jour. of Hist. and Politics,* III (1905); "The Early Swedish Immigration to Iowa," *Ibid.,* III (1905), "The Danish Contingent in the Population of early Iowa," *Ibid.,* IV (1906), and "The Growth of the Scandinavian Factor in the Population of Iowa," *Ibid.,* IV (1906); B. L. Wick, "The Earliest Scandinavian Settlement in Iowa," *Iowa Historical Record,* XVI (1900); F. A. Danborn, "Swede Point, or Madrid, Iowa", *Year-Book of the Swedish Historical Society of America,* 1911-1913.

E. OTHER STATES

North Dakota: H. V. Arnold, *History of Grand Forks County including an Historical Outline of the Red*

River Valley (1900); T. Haggerty, *The Territory of Dakota* (1889); *Compendium of the History and Biography of North Dakota* (1900).

Nebraska: *History of the State of Nebraska* (1882).

Kansas: John A. Martin, *Addresses* ("The Swedes in Kansas") (1888).

Utah: H. H. Bancroft, *Utah, 1540-1886* (in *History of the Pacific Coast States of North America*, vol. XXI, 1889).

New York: Arad Thomas, *Pioneer History of Orleans County, New York* (1871); G. J. Mason, "The Foreign Element in New York City," *Harper's Weekly* (Sept., 1888); S. Folkestad, "Norske i Brooklyn-New York", *Symra* (1908).

TRAVELS AND GUIDE BOOKS

Good accounts of conditions in the European kingdoms, as those conditions were related to emigration at different periods, are: Samuel Laing, *A Tour of Sweden in 1838: comprising Observations on the Moral, Political and Economic State of the Swedish Nation* (London 1839), and *Journal of a Residence in Norway during the Years 1834, 1835 and 1836* (2nd ed., 1837); Charles Loring Brace, *The Norsk Folk; or a Visit to the Homes of Norway and Sweden* (1857); Mrs. Woods Baker, *Pictures of Swedish Life, or Svea and her Children* (1894); J. F. Hanson, *Light and Shade from the Land of the Midnight Sun* (1903).

Of the numerous travelers through the American Northwest, noting the Scandinavian settlements or the conditions affecting them, the most significant is Frederika Bremer, *The Homes of the New World—Impressions of America* (In translation from the Swedish, 3 vols., London, 1853), the work of an educated, alert, sympathetic Swedish lady already noted as a writer. Others of special worth are C. C. Andrews, *Minnesota and Dakota: in Letters Descriptive of a Tour through the Northwest in the Autumn of 1856* (1857); Johan Bolin, *Beskrifning öfver Nord Amerikas Förenta Stater* (Wexjö, 1853); A. Budde, *Af et Brev om Amerika* (Stavanger, 1850); Basil Hall,

Travels in North America in the Years 1827-1828 (1829, Edinburgh, 3 vols.); Thorvald Klavenes, *Det Norske Amerika* (Kristiania, 1904); Harriet Martineau, *Society in Autumn of 1856* (1857); Johan Bolin, *Beskrifning öfver Amerika* (Göteborg, 1872); P. Waldenström, *Genom Norra Amerikas Förenta Stater: Reiseskildringar* (Stockholm, 1890); Victor Wickström, *Som Tidningsman Jorden Rundt* (Östersund, 1901).

Of guidebooks and handbooks for emigrants and immigrants there is a great number, in English, Swedish, and Norwegian; some issued from philanthropic motives, some by interested States, railroad companies, land companies, and counties, and some by the United States. Only those that directly affected the Scandinavians, or that are typical of a period, are mentioned, and the list is not meant to be exhaustive of titles or editions. Some of the publications by States, might well have been put under the heading of State documents.

One of the typical, widely circulated English handbooks is William Cobbett, *The Emigrant's Guide, in ten Letters addressed to the Taxpayers of England, containing Information of every Kind, necessary to Persons who are about to emigrate* (London, 1829). A similar Norwegian pamphlet is L. J. Fribert, *Haandbog for Emigranter til Amerikas Vest* (Christiania, 1847), or J. R. Reierson, *Veiviser for norske Emigranter til de forenede nordamerikanske Stater och Texas* (Christiania, 1844, reprinted in America, 1899). The United States issued a guide: Edward Young, *Special Report on Immigration; accompanying Information for Immigrants* (1871), reprinted in 1872, with editions in French and German. Other works are: Frederick B. Goddard, *Where to Emigrate and Why* (1864); and Edward Young, *Information for Immigrants, relative to Prices and Rentals of Land, etc.* (1871).

For Wisconsin, the most significant and helpful are: *Beskrivelse over Staten Wisconsin: Dens Klimat, Jordbund, Agerdyrkning, samt Natur- og Kunstprodukter. Udgivet efter Legislaturens Ordre af Statens Immigrations*

Department (1870); K. K. Kennan (joint agent in Europe for the Wisconsin State Board of Immigration and the Wisconsin Central Railroad, without expense to the former), *Staten Wisconsin, dens Hjælpekilder og Fordele for Udvandreren* (1884)—in several editions, and also in Swedish; C. F. J. Moeller, *Staten Wisconsin, beskreven med særligt Hensyn til denne Stats fortrinlige Stilling som et fremtidigt Hjem for Emigranter fra Danmark, Norge, og Sverige* (1865); *Wisconsin,—What it offers to the Immigrant. An official Report published by the State Board of Immigration of Wisconsin* (1879)—many editions, and in various languages.

For Minnesota: Girart Hewitt, *Minnesota: Its Advantages to Settlers*, etc. (1868),—seven editions, one being published by the State; Hans Mattson, *Minnesota och dess Fordelar for Indvandreren* (1867); *Minnesota as a Home for Emigrants* (1886),—in Norwegian and Swedish also.

For other States: *Resources of Dakota,—an Official Publication compiled by the Commissioner of Immigration* (1887), later editions dealing with the two States formed from the Teritory of Dakota; Fred. Gerhard, *Illinois as it is: its History, Geography, Statistics*, etc. (1857); *Iowa: the Home for Immigrants* (1879), also in Swedish, Norwegian, German, and Dutch.

BIOGRAPHIES AND AUTOBIOGRAPHIES

Several of the books mentioned under special histories, like those of Norelius, Langeland, Dietrichson, and Schroeder, have much autobiographical material in them; while others, such as the volumes of O. N. Nelson and C. F. Peterson and the county histories, contain hundreds of brief biographies. The more important and illuminating autobiographies are: Hans Mattson, *Minnen* (Lund, 1890) and the same in translation, *Reminiscences, the Story of an Emigrant* (1891), an interestingly naïve account of the varied activities of a prominent politician and business man; Gustaf Unonius, *Minnen från en sjutton-årig Vistelse i Nordvestra Amerika* (2 vols., Upsala, 1862), a graphic

account of the first years of Swedish settlement, by one of its highly educated leaders, and *Bihang till Minnen* (Stockholm, 1891). With less direct bearing, is W. H. C. Folsom, *Fifty Years in the Northwest* (1888); H. P. Hall, *H. P. Hall's Observations, being more or less a History of Political Contests in Minnesota from 1843 to 1904* (1904); John Reynolds, *My Own Times, embracing also the History of My Life* (Chicago, 1855); Stephen Grellet, *Memoirs* (edited by Benj. Seebohm, 2 vols., 1860); and S. B. Newman, *Pastor S. Newmans Sjelfbiografi* (1890).

Four biographies stand out above the others: T. N. Hasselquist, *Lefnadsteckning af E. Norelius;* L. A. Stenholt, *En Studie af Knute Nelson* (1896); Chr. O. Brohough, and I. Eisteinsen, *Kortfattet Beretning om Elling Eielsens Liv og Virksomhed* (1883); and L. M. Björn, *Pastor P. A. Rasmussen* (1905). Other biographies of less significance for this study are: C. J. Rosenberg, *Jenny Lind in America* (1851); Sara C. Bull, *Ole Bull* (1883); W. C. Church, *Life of John Ericsson* (2 vols., 1890).

Other collected biographies, including Scandinavians, are: J. C. Jensson, *American Lutheran Biographies* (1890); *Men of Minnesota* (1902); F. G. Flower, *Biographical Souvenir Book* (1899), relating to North Dakota alone; *Prominent Democrats of Illinois* (1899; H. A. Tenney, and D. Atwood, *Fathers of Wisconsin* (1880); C. J. A. Erickson, "Memories of a Swedish Immigrant," *Annals of Iowa,* April, 1907.

RELIGION, EDUCATION, AND THE PRESS

No attempt is made here at a bibliography of the abundant polemical religious literature, nor of the sermons and proceedings of church conventions, nor of denominational year books, further than to show the material contributing to this valume. In similar manner, a limit is put upon the list of catalogs and publications of colleges and seminaries, and upon the periodicals and newspapers of which the number is very large.

A very recent and excellent volume dealing with Norwegian progress and culture in America is *Norsk-Ameri-*

kanernes Festskrift, 1914 (Chief Editor, Johs. B. Wist) which was prepared as an American contribution to the celebration of the centennial of Norwegian independence. Important chapters are devoted to the press (noted below), the churches, schools, literature, and men in public or political life, each being the work of a careful scholar.

The most valuable volumes dealing with the religious histories of Scandinavian settlement are E. Norelius, *De Svenska Luterska Församlingarnas och Svenskarnes Historia i Amerika* (1890) and, of almost equal worth, for Norwegian church history, Th. Bothne, *Kort Udsigt over det Lutherske Kirkearbeide blandt Nordmændene i Amerika* (1898), being a separate made up of a section of "Norske Kirkeforhold i Amerika," pp. 815-903, of H. G. Heggtveit, *Illustreret Kirkehistorie.* Good brief sketches of various denominations are embodied in O. N. Nelson, *History of the Scandinavians*, already noted. The most important of the other works are: R. Anderson, *Den Evangelisk Lutherske Kirkes Historie i Amerika* (1889); and *Emigrantmissjonen, Kirkelig Vejledning for Udvandrere* (1884); H. K. Carroll, *The Religious Forces of the United States, enumerated, classified, and described on the Basis of the Government Census of 1890 . . . Revised to 1896* (1896); Theodor H. Dahl, *Den Forenede Kirke: Fred og Strid eller Lidt Forenings Historie* (1894); O. Ellison, *Svenska Baptisternas i Wisconsin Missions Historia* (1902); Simon W. Harkey, *The Mission of the Lutheran Church in America* (1853); O. J. Hatlestad, *Historiske Meddelelser om den norske Augustana Synode* (1887); H. G. Heggtveit, *Illustreret Kirkehistorie* (1898); Chauncy Hobart, *History of Methodism in Minnesota* (1887); Henry E. Jacobs, *A History of the Evangelical Lutheran Church in the United States* (1893); J. N. Lenker, *Lutherans in all Lands* (1896); N. M. Liljengren and C. G. Wallenius, *Svenska Methodismen i Amerika* (1885); *Minde fra Jubelfesterne paa Koshkonong* (1894); M. W. Montgomery, *The Work among the Scandinavians* (1888) and "A Wind from the Holy Spirit," *Sweden and Norway* (1884); A. H. Newman, *History of the Baptist Churches in*

the United States (1894), and *A Century of Baptist Achievement* (1901); E. Norelius, *Evangeliska Luterska Augustana Synoden i Nord Amerika och dess Mission* (1870); *Affidavits of Sven Oftedal, et al* (in Dist. Court of Minnesota, 4th Jud. Dist.) (1897); H. Olson, *Minnestal öfver framlidne pastorn O. G. Hedström* (1886); George Richardson, *The Rise and Progress of the Society of Friends in Norway* (London, 1849); Matthew Simpson (editor), *Cyclopedia of Methodism* (5th ed., 1882); E. J. Wolf, *The Lutherans in America* (1890); N. C. Brun, "Kort Omrids af den amerikansk-lutherske Kirkes Historie", *Vor Tid*, I (1905).

On the educational side are Kiddle and Schem, *Dictionary of Education* (1890); Chr. Koerner, *The Bennett Law and the German Parochial Schools of Wisconsin* (1890); J. W. Stearns (editor), *The Columbian History of Education in Wisconsin* (1893); *The Bennett Law Analyzed* (1890); A. Estrem, "A Norwegian-American College (Luther College)," *Midland Monthly*, I (1894); E. S. White, "Elk Horn College," *Midland Monthly*, II (1894); J. P. Uhler, "Scandinavian Studies in the United States," *Science*, IX (1887); G. Andreen, "Det svenska Språket i Amerika", *Studentföreningen Verdandis Småskrifter*, No. 87 (Stockholm, 1900); G. T. Flom, *A History of Scandinavian Studies in American Universities* (Bulletin of the State University of Iowa, No. 153, 1907), and "Det norsk sprogs bruk og utvikling i Amerika", *Normands-Forbundet*, IV (1912); G. Bothne, "Nordiske studier ved amerikanske universiteter", *Norsk-Amerikanernes Festkrift, 1914;* A. A. Stomberg, "Swedish in American Universities", *Year-Book of the Swedish Historical Society of America*, 1909-1910; C. G. Wallenius, "Den högre Skolverksamheten bland Svenskarne i Amerika", *Year-Book of the Swedish Historical Society of America*, 1911-1913.

University and college catalogs and registers need not be enumerated for each year; two typical years would be 1895 and 1905; Augustana College and Seminary, Rock Island, Ill.; Luther College, Decorah, Iowa; Bethany Col-

lege, Lindsborg, Kansas; Gustavus Adolphus College, St. Peter, Minnesota; St. Olaf College, Northfield, Minnesota; Elk Horn College, Elk Horn, Iowa; Augsburg Seminary, Minneapolis, Minnesota; Red Wing Seminary, Red Wing, Minnesota; Northwestern University; University of Chicago; Chicago Theological Seminary; University of Wisconsin; University of Minnesota; University of North Dakota; University of Nebraska; State University of Iowa.

Exhaustive and scholarly discussions of the history and character of the Scandinavian newspapers and periodicals published in the United States are: Juul Dieserud, "Den norske presse i Amerika. En historisk oversigt", *Normands-Forbundet*, V (April 1912); Carl Hansen, "Et Stykke Norsk-Amerikanske Pressens-historie", *Kvartalskrift*, III (Jan. 1907), "Den norsk-amerikanske presse før borgerkrigen", *Symra: en Aarbog for Norske paa begge Sider af Havet*, IV (1908); and "Den norsk-amerikanske presse: Pressen til borgerkrigens slutning", *Norsk-Amerikanernes Festskrift, 1914;* Johs. B. Wist, "Den norsk-amerikanske press: Pressen efter borgerkrigen", *Norsk-Amerikanernes Festskrift, 1914*—remarkably full and complete in its details; E. W. Olson (editor), "Press and Literature", *History of the Swedes in Illinois* (1908), ch. 13. Less important is Eric Johnson, "The Swedish American Press", *The Viking*, I (July and Aug. 1906).

For statistics and ratings of newspapers, G. P. Rowell & Co., *American Newspaper Directories* (1869 to 1906); N. W. Ayer, *American Newspaper Annual* (1881-1914) (Philadelphia).

ECONOMIC, SOCIAL, AND POLITICAL QUESTIONS

Florence E. Baker, *A Brief History of the Elective Franchises in Wisconsin* (1894); Fremont O. Bennett, *Politics and Politicians of Chicago, Cook County, and Illinois* (1886); Eugene Brown and F. Fred Rowe (compilers), *Industrial and Picturesque Rockford, Illinois* (1891; Carlo De'Negri, *Appunti di Statistica Comparata dell' Emigrazione dell' Europa e della Immigrazione in America e in Australia* (in *Bulletin de l' Institute International de*

Statistique, 1888) ; John G. Gregory, *Foreign Immigration to Wisconsin* (1902) ; C. H. Gronvald, *The Effects of the Immigration on the Norwegian Immigrants* (in *Sixth Annual Report to the State Board of Health of Minnesota,* 1878) ; Hans Mattson (editor), *Two Hundred and Fiftieth Anniversary of the First Swedish Settlement in America, September 14, 1888* (1889) ; Robert P. Porter (and others), *The West: from the Census of 1880* (1882) ; Julian Ralph, *Our Great West: a Study of the Present Conditions and Future Possibilities of the New Commonwealths and Capitals of the United States* (1893) ; Gustav Sundbärg, *Bidrag till Utrandringsfrågen från Befolkningsstatistisk Synpunkt* (in *Upsala Universitets Årsskrift,* 1884 o. 1885) ; Carl Sundbeck, *Svensk-Amerikanerna, deras Materialla och Andliga Sträfvanden* (1904)—a good up-to-date summary of conditions in America; William W. Thomas, *Sweden and the Swedes* (1893) ; James D. Whelpley, *The Problem of the Immigrant* (1905) ; Edward Young, *Labor in Europe and America, a Special Report on the Rate of Wages, etc.* (1875),—a particularly valuable book, dealing with conditions in Europe on the eve of the great movement to America.

Two groups of Federal reports are very useful: *Emigration from Europe, (Reports from the Consuls of the United States,* No. 76, 1887), dealing with European conditions; and *Emigration to the United States (Special Consular Reports,* vol. XXX, 1904). Another exhaustive and scholarly investigation is embodied in *Reports of the Industrial Commission on Immigration, including testimony, with Review and Digest, and Special Reports,* being vol. XV of the Commission's *Reports* (1901).

The Civil War as related to immigration from Northern Europe is treated in: Ole A. Buslett, *Det Femtende Regiment Wisconsin Frivillige* (1895) ; P. G. Dietrichson, *En Kortfattet Skildring af det femtende Wisconsins Regiments Historie og Virksomhed under Borgerkrigen* (1884) ; J. A. Enander, *Borgerkrigen i de Forenede Stater i Nord Amerika* (1881) ; John A. Johnson, *Det Skandinaviske Regiments Historie* (1869).

Important articles in periodicals: F. W. Hewes, "Where our Immigrants Settle" (with excellent statistical maps), *World's Work*, VI (1903); G. G. Huebner, "The Americanization of the Immigrant," *Annals of the American Academy of Political and Social Science*, XXVII (1906); Richmond Mayo-Smith, "Control of Immigration", *Political Science Quarterly*, III, 46, 197, 404 (1888); G. H. Schwab, "A Practical Remedy for the Evils of Immigration," *Forum*, XVI (1893); Nicolay A. Grevstad, "Courts of Conciliation," and "Courts of Conciliation in America," *Atlantic*, LXVIII (1891), LXXII (1893).

Various numbers of *Normands-Forbundet*, published in Christiania, have contained noteworthy articles, besides those mentioned elsewhere in this bibliography, dealing with American conditions: S. Sondresen, "Den norsk-amerikanske farmer" (1908); J. Dieserud, "Nordmændenes deltagelse i de Forenede Staters politiske liv" (1908); M. Alger, "Re-immigrationen" (1913); Av. Kand. Gottenborg, "Hjemvandte norsk-amerikanere, deres livsforhold i Amerika og i Norge efter hjemkomste" (1913); O. K. Winberg, "Degenererer Nordmaend i Amerika" (1910).

Three small novels contain particularly graphic accounts of the life and social conditions among the Norwegian settlers: P. O. Strömme, *Hvorledes Halvor blev Prest* (1893), one of the very best pictures of pioneer immigrant family life; H. A. Foss (translated by J. J. Skordalsvold), *Tobias, a Story of the Northwest*, an exaggerated account of intemperance; and Sigurd H. Severson, *Dei möttes ve Utica. En paa personlig Iagttagelse gründet Skildring af Livet i ældre Norsk-Amerikanske Settlementer* (1882).

NEWSPAPERS

The number of newspapers and other periodicals for the Scandinavians in the United States yearly given in G. P. Rowell & Co., *American Newspaper Directory*, has varied in recent years from 125 to 140, while the total of short-lived and long-lived publications of the same sort would pass 200. The following list includes those periodicals,

chiefly newspapers, which were useful in some special degree in preparing this volume:

America, Chicago, an English monthly for Swedes and Norwegians.

American-Scandinavian Review, New York, 1913—Engl. bi-mo.

Amerika, Chicago & Madison, Wis., 1884 (united with *Norden*, 1897 q. v.), Norw. Wkly.

Billed-Magazin, Skandinavisk, Madison, Wis., 1868-1870. Norw. mo.

Budstikken, Minneapolis, 1872—. Norw. wkly.

Chicago Daily Tribune, Chicago, 1847—. dly.

Chicago Record-Herald, Chicago, 1854—. dly.

Dannevirke, Cedar Falls, Iowa, 1880—. Dan. wkly.

Danske Pioneer, Omaha, Neb., 1873—. Dan. wkly.

Decorah Posten, Decorah, Iowa, 1874—. Norw. wkly.

Fædrelandet og Emigranten, La Crosse, Wis., and Minneapolis, 1864-1888. (*Emigranten*, Inmansville, Wis., 1852; Janesville, 1856; Madison, 1857; La Crosse, 1864, and united with *Fædrelandet*.) Norw. wkly.

Folkebladet, Minneapolis, 1878—. Norw. wkly.

Gamla och Nya Hemlandet, Chicago, 1855. Sw. wkly.

Korsbaneret, Rock Island, Ill., 1880. Sw. church annual.

Kvartalskrift, Minneapolis, 1903—. Nor. qtly.

Madison Democrat, Madison, Wis., 1852—. Eng. dly.

Milwaukee Daily Sentinel, Milwaukee, Wis., 1837—. Eng. dly.

Minneapolis Evening Journal, Minneapolis, 1878—Eng. dly.

Minneapolis Times, Minneapolis, 1889-1905. Eng. dly.

Minneapolis Tribune, Minneapolis, 1867—. Eng. dly.

Minneapolis Tidende, Minneapolis, 1887—. Norw. dly. and wkly.

Minnesota Stats Tidning, Minneapolis and St. Paul, 1877—. Sw. wkly.

Norden, Chicago, 1874-1897 (united with *Amerika*). Norw. wkly.

Nordvesten, St. Paul, 1883—. Norw.-Dan. wkly.

Nordmanden, Grand Forks, N. D., 1887—. Norw. wkly.

Nordmands-Forbundet, Christiania, Norway, 1908—. Nor.

Normannen, Stoughton, Wis., 1867. Norw. wkly.

The North, Minneapolis, 1889-1894. Eng. wkly. for Scandinavians.

Red River Posten (merged with *Dakota*), Fargo, N. D., 1879—. Norw. wkly.

Rockford Register, Rockford, Ill., 1867—. Eng. dly.

Rodhuggeren, Crookston, Minn., 1880-1884. Norw. wkly.

Scandinavia, Chicago, 1883-1886. Eng. mo. for Scandinavians.

Skandinaven, Chicago, 1866—. Norw. dly. wkly., and tri-wkly., the strongest and most influential Scandinavian paper in the United States.

St. Paul Pioneer-Press, St. Paul, 1849—. Eng. dly.

St. Paul Dispatch, St. Paul, 1868—. Eng. dly.

Superior Tidende (originally *Posten*), Superior, Wis., 1888—. Norw.-Dan. wkly.

Svensk-Amerikaneren, Chicago, Ill., 1866—. Sw. wkly.

Svenska Amerikanska Posten, Minneapolis, 1886—. Sw. wkly., a large and influential paper.

Svenska Folkets Tidning, Minneapolis, 1883—. Sw. wkly.

Svenska Tribunen, Chicago, 1868—. Sw. wkly.

Ugebladet, Chicago, later Minneapolis, 1888—. Norw. wkly.

Valdris-Helsing (*Valdris-Samband*), Iowa City, Ia., later Stillwater and Minneapolis, Minn., 1893—. Norw. mo. (since 1912) devoted to interests of immigrants from Valders.

The Viking, Fremont, Neb., 1906—? Eng. mo. for Scandinavians.

Vikingen, Minneapolis, 1906—. Norw.-Dan. mo.

Vor Tid, Minneapolis, 1905-1908. Norw. mo.

Wisconsin State Journal, Madison, 1897—. Eng. dly.

APPENDIX I

Statistical Tables

TABLE I

STATISTICS OF IMMIGRANTS FROM DENMARK, NORWAY AND SWEDEN.

The number of alien passengers and immigrants from the Scandinavian countries arriving in the United States, 1820-1913, together with the total number of alien arrivals according to the statistics of the United States, and, where available, of the Scandinavian kingdoms. The figures from 1820-1840 are at best a safe minimum. The earlier figures reported by the Scandinavian kingdoms, given in round numbers, are probably estimates based upon partial data. See United States *Reports of the Bureau of Commerce and Navigation, Annual Statistical Abstracts* and the report of the Dillingham Commission (1911); Sundbarg, *Bidrag til Utvandringsfrågen från Befolkningsstatistisk Synpunkt*; Nelson, *Scandinavians in the United States*, I, 253-264c; *Bulletin de l'Institute Internationale de Statistique*, III, ii, 125-127; *Statesman's Year-Books*, 1906-14.

	UNITED STATES STATISTICS					EUROPEAN STATISTICS			
	Denmark	Norway	Sweden	Total Scandinavian	Total Aliens	Denmark	Norway	Sweden	Total Scandinavian
1820	20		3	23	8,385				
1821	12		12	24	9,127		1		1
1822	18		10	28	6,911				
1823	6		1	7	6,354				
1824	11		9	20	7,912				
1825	14		4	18	10,199		53		53
1826	10		16	26	10,837				
1827	15		13	28	18,875				
1828	50		10	60	27,382				
1829	17		13	30	22,520				
1830	16		3	19	23,322				
1820-1830	189		94	283	151,824		54		54
1831	23		13	36	22,633				
1832	21		313	334	60,482				
1833	173		16	189	58,640				
1834	24		42	66	65,365				
1835	37		31	68	45,374				
1836	416		57	473	76,242		200		200
1837	109		290	399	79,340		200		200
1838	52		60	112	38,914		100		100
1839	56		324	380	68,069		400		400
1840	152		55	207	84,066		300		300
1831-40	1,063		1,201	2,264	599,125		1,200		1,200

TABLE 1 (Continued)

	UNITED STATES STATISTICS					EUROPEAN STATISTICS			
	Denmark	Norway	Sweden	Total Scandinavian	Total Aliens	Denmark	Norway	Sweden	Total Scandinavian
1841	31		195	226	80,289			400	400
1842	35		553	588	104,565			700	700
1843	29		1,748	1,777	52,496			1,600	1,600
1844	25		1,311	1,336	78,615			1,200	1,200
1845	54		928	982	114,371			1,100	1,100
1846	114		1,916	2,030	154,416			1,300	1,300
1847	13		1,307	1,320	234,968			1,600	1,600
1848	210		903	1,113	226,527			1,400	1,400
1849	8		3,473	3,481	297,024			4,000	4,000
1850	20		1,569	1,589	369,980			3,700	3,700
1841-50	539		13,903	14,442	1,713,251			17,000	17,000
1851	14		2,424	2,438	379,466		2,640	934	3,574
1852	3		4,103	4,106	371,601		4,030	3,031	7,061
1853	32		3,364	3,396	368,645		6,050	2,619	8,669
1854	691		3,531	4,222	427,833		5,950	3,980	9,930
1855	528		821	1,349	200,877		1,600	586	2,186
1856	173		1,157	1,330	200,436		3,200	959	4,159
1857	1,035		1,712	2,747	251,306		6,400	1,762	8,162
1858	232		2,430	2,662	123,126		2,500	512	3,012
1859	499		1,091	1,590	121,282		1,800	208	2,008
1860	542		298	840	153,640		1,900	266	2,166
1851-60	3,749		20,931	24,680	2,598,212		36,070	14,857	50,927
1861	234		616	850	91,918		8,900	1,087	9,987
1862	1,658		892	2,550	91,985		5,250	1,206	6,456
1863	1,492		1,627	3,119	176,282		1,100	1,485	2,585
1864	712		2,249	2,961	193,418		4,300	2,461	6,761
1865	1,149		6,109	7,258	248,120		4,000	3,180	7,180
1866	1,862		12,633	14,495	318,568		15,455	4,466	19,921
1867	1,436		7,055	8,491	315,722		12,829	5,893	18,722
1868	819		11,166	11,985	142,023		13,211	21,472	34,683
1861-68	9,362		42,347	51,709	1,578,036		65,045	41,250	106,295

TABLE 1 (Continued)

	UNITED STATES STATISTICS					EUROPEAN STATISTICS			
	Denmark	Norway	Sweden	Total Scandinavian	Total Aliens	Denmark	Norway	Sweden	Total Scandinavian
1869	3,649	16,068	24,224	43,941	352,768	4,340	18,070	32,050	54,460
1870	4,083	13,216	13,443	30,742	387,203	3,264	14,834	15,430	33,528
1871	2,015	9,418	10,699	22,132	321,350	3,249	12,276	12,985	28,510
1872	3,690	11,421	13,464	28,575	404,806	5,941	13,865	11,838	31,644
1873	4,931	16,247	14,303	35,481	459,803	5,926	10,352	9,486	25,764
1874	3,082	10,384	5,712	19,178	313,339	2,261	4,601	3,380	10,242
1875	2,656	6,093	5,573	14,322	227,498	1,678	4,048	3,591	9,317
1876	1,547	5,173	5,603	12,323	169,986	1,336	4,355	3,702	9,393
1877	1,695	4,588	4,991	11,274	141,857	1,374	3,206	2,921	7,501
1878	2,105	4,759	5,390	12,354	138,469	2,300	4,863	4,242	11,405
1879	3,474	7,345	11,001	21,820	177,826	2,845	7,608	12,761	23,214
1880	6,576	19,895	39,186	65,657	457,257	5,475	20,212	36,263	61,950
1869-80	39,503	124,607	153,589	317,699	3,552,162	39,989	170,124	148,649	306,928
1881	9,177	22,705	49,760	81,582	669,431	7,823	25,976	40,620	74,419
1882	11,618	29,101	64,607	105,326	788,992	11,385	28,804	44,359	84,548
1883	10,319	23,398	38,277	71,994	603,322	8,280	22,167	25,678	56,125
1884	9,202	16,974	26,552	52,728	518,592	6,149	14,776	17,664	38,589
1885	6,100	12,356	22,248	40,704	395,346	4,211	13,901	18,222	36,334
1886	6,225	12,759	27,751	46,735	334,203	5,558	15,116	27,913	48,587
1887	8,524	16,269	42,836	67,629	490,109	8,184	20,706	46,252	75,142
1888	8,962	18,264	54,698	81,924	546,889	8,269	21,348	45,561	75,178
1889	8,699	13,390	35,415	57,504	444,427	8,271	12,597	28,529	49,397
1890	9,366	11,370	29,632	50,368	455,302	9,524	10,898	29,487	49,909
1881-90	88,132	176,586	391,776	656,494	5,246,613	77,654	186,289	324,285	588,228

TABLE I (Continued)

	UNITED STATES STATISTICS					EUROPEAN STATISTICS			
	Denmark	Norway	Sweden	Total Scandinavian	Total Aliens	Denmark	Norway	Sweden	Total Scandinavian
1891	10,659	12,568	36,880	60,107	560,319	9,781	13,249	36,134	59,164
1892	10,593	14,462	43,247	68,302	623,084	9,763	16,814	40,990	67,567
1893	8,779	16,079	38,077	62,935	502,917	8,551	18,690	37,321	64,562
1894	5,581	8,867	18,608	33,056	314,467	4,105	5,591	9,529	19,225
1895	4,244	7,373	15,683	27,300	279,948	3,607	6,153	14,982	24,742
1896	3,167	8,855	21,177	33,229	343,267	2,876	6,584	14,874	24,334
1897	2,085	5,842	13,162	21,089	230,832	2,260	4,580	10,109	16,949
1898	1,946	4,938	12,398	19,282	229,299	2,340	4,805	8,534	15,679
1899	2,690	6,705	12,797	22,192	311,715	2,799	6,466	11,842	21,097
1900	2,926	9,575	18,650	31,151	448,572	3,570	10,931	16,209	30,710
1891-00	52,670	95,264	230,679	378,643	3,844,410	49,652	93,863	200,524	344,029
1901	3,655	12,248	23,331	39,234	487,918	4,657	12,488	20,306	37,451
1902	5,660	17,484	30,894	54,038	648,743	6,823	19,225	33,151	59,199
1903	7,158	24,461	46,028	77,647	857,046	8,214	24,998	35,439	68,651
1904	8,525	23,808	27,763	60,096	812,870	9,034	20,836	18,533	48,403
1905	8,970	25,064	26,591	60,625	1,026,499	8,051	19,638	20,520	48,209
1906	7,741	21,730	23,310	52,781	1,100,735	8,516	20,449	21,242	50,207
1907	7,243	22,133	20,589	49,965	1,285,349	7,890	20,615	19,325	47,830
1908	4,954	12,412	12,809	30,175	782,870	4,558	7,850	8,873	21,281
1909	4,395	13,627	14,474	32,496	751,786	6,782	15,237	18,331	40,350
1910	6,984	17,538	23,745	48,267	1,041,570	8,890	17,361	23,529	49,780
1901-10	65,285	190,505	249,534	505,234	8,795,386	73,415	178,697	219,249	471,361
1911	7,555	13,950	20,780	42,285	878,587	8,303	11,122	15,571	34,996
1912	6,191	8,675	12,688	27,554	838,172	8,636	7,776	13,896	30,308
1913	6,478	8,587	17,202	33,267	1,197,892				
Totals	278,277	696,401	1,071,835	2,047,513	30,833,643				

TABLE II

FOREIGN-BORN SCANDINAVIAN POPULATION, 1850

U. S. Census of 1850

States and Territories	Denmark	Norway	Sweden	Total Scandinavians	Total Population
Alabama	18	3	51	72	771,623
Arkansas	7	1	1	9	209,897
California	92	124	162	378	92,597
Conecticut	16	1	13	30	370,792
Delaware	1		2	3	91,532
District of Columbia	6		5	11	51,687
Florida	21	17	33	71	87,445
Georgia	24	6	11	41	906,185
Illinois	93	2,415	1,123	3,631	851,470
Indiana	10	18	16	44	988,416
Iowa	19	361	231	611	192,214
Kentucky	7	18	20	45	982,405
Louisiana	288	64	249	601	517,762
Maine	47	12	55	114	583,169
Maryland	35	10	57	102	583,034
Massachusetts	181	69	253	503	994,514
Michigan	13	110	16	139	397,654
Minnesota Territory	1	7	4	12	6,077
Mississippi	24	8	14	46	606,526
Missouri	55	155	37	247	682,044
New Hampshire	3	2	12	17	317,976
New Jersey	28	4	34	66	489,555
New Mexico Territory	2	2	1	5	61,547
New York	429	392	753	1,574	3,097,394
North Carolina	6		9	15	869,039
Ohio	53	18	55	126	1,980,329
Oregon Territory	2	1	2	5	13,294
Pennsylvania	97	27	133	257	2,311,786
Rhode Island	15	25	17	57	147,545
South Carolina	24	7	29	60	668,507
Tennessee	8		8	16	1,002,717
Texas	49	105	48	202	212,592
Utah Territory	2	32	1	35	11,380
Vermont		8		8	314,120
Virginia	15	5	16	36	1,421,661
Wisconsin	146	8,651	88	8,885	305,391
Total	1,837	12,678	3,559	18,074	23,191,876

TABLE III

FOREIGN-BORN SCANDINAVIAN POPULATION, 1870

U. S. Census, 1870

States and Territories	Denmark	Norway	Sweden	Total Scandinavians	Total Population
Alabama	80	21	105	206	996,992
Arkansas	55	19	134	208	484,471
California	1,837	1,000	1,944	4,781	560,247
Connecticut	116	72	323	511	537,454
Delaware	8		9	17	125,015
Florida	40	16	30	86	187,748
Georgia	42	14	35	91	1,184,109
Illinois	3,711	11,880	29,979	45,570	2,539,891
Indiana	315	123	2,180	2,618	1,680,637
Iowa	2,827	17,554	10,796	31,177	1,194,020
Kansas	502	588	4,954	6,044	364,399
Kentucky	53	16	112	181	1,321,011
Louisiana	290	76	358	724	726,915
Maine	120	58	91	269	626,915
Maryland	106	17	100	223	780,894
Massachusetts	267	302	1,384	1,953	1,457,351
Michigan	1,354	1,516	2,406	5,276	1,184,059
Minnesota	1,910	35,940	20,987	58,837	439,706
Mississippi	193	78	970	1,241	827,922
Missouri	665	297	2,302	3,264	1,721,295
Nebraska	1,129	506	2,352	3,987	122,993
Nevada	208	80	217	505	42,491
New Hampshire	11	55	42	108	318,300
New Jersey	510	90	554	1,154	906,096
New York	1,698	975	5,522	8,195	4,382,759
North Carolina	8	5	38	51	1,071,361
Ohio	284	64	252	600	2,665,260
Oregon	87	76	205	368	90,923
Pennsylvania	561	115	2,266	2,942	3,521,951
Rhode Island	24	22	106	152	217,353
South Carolina	50		60	110	705,606
Tennessee	86	37	349	472	1,258,520
Texas	159	403	364	926	818,579
Vermont	21	34	83	138	330,551
Virginia	23	17	30	70	1,225,163
West Virginia	21	1	5	27	442,014
Wisconsin	5,212	40,046	2,799	48,057	1,054,670
Arizona Ter.	19	7	7	33	9,658
Colorado Ter.	77	40	180	297	39,864
Dakota Ter.	115	1,179	380	1,674	14,181
Dist. of Columbia	29	5	22	56	131,700
Idaho Ter.	88	61	91	240	14,999
Montana Ter.	95	88	141	324	20,595
New Mexico Ter.	15	5	6	26	91,874
Utah Ter.	4,957	613	1,790	7,360	86,786
Washington Ter.	84	104	158	346	23,955
Wyoming Ter.	54	28	109	191	9,118
Total	30,098	114,243	97,327	241,686	38,558,371

TABLE IV

FOREIGN-BORN SCANDINAVIAN POPULATION, 1890

U. S. Census of 1890

States and Territories	Denmark	Norway	Sweden	Total Scandinavians	Total Population
Alabama	71	47	294	412	1,513,017
Arizona Territory	180	59	168	407	59,620
Arkansas	125	60	333	518	1,128,179
California	7,764	3,702	10,923	22,389	1,208,130
Colorado	1,650	893	9,659	12,202	412,198
Connecticut	1,474	523	10,021	12,018	746,258
Delaware	41	14	246	301	168,493
District of Columbia	72	70	128	270	230,392
Florida	105	179	529	813	391,422
Georgia	61	88	191	340	1,837,353
Idaho	1,241	741	1,524	3,506	84,285
Illinois	12,044	30,339	86,514	128,897	3,826,351
Indiana	718	285	4,512	5,515	2,192,404
Iowa	15,519	27,078	30,276	72,873	1,911,896
Kansas	3,136	1,786	17,096	21,998	1,427,096
Kentucky	92	120	184	396	1,858,635
Louisiana	232	136	328	796	1,118,587
Maine	696	311	1,704	2,711	661,086
Maryland	130	164	305	599	1,042,390
Massachusetts	1,512	2,519	18,624	22,655	2,238,943
Michigan	6,335	7,795	27,366	41,496	2,093,889
Minnesota	14,133	101,169	99,913	215,215	1,301,826
Mississippi	90	54	305	449	1,289,600
Missouri	1,333	526	5,602	7,461	2,679,184
Montana	683	1,957	3,771	6,411	132,159
Nebraska	14,345	3,632	28,364	46,341	1,058,910
Nevada	332	69	314	715	45,761
New Hampshire	64	251	1,210	1,425	376,530
New Jersey	2,991	1,317	4,159	8,467	1,444,933
New Mexico Ter.	54	42	149	245	153,593
New York	6,238	8,602	28,430	43,270	5,997,753
North Dakota	2,860	25,773	5,583	34,216	182,719
North Carolina	26	13	51	90	1,617,947
Ohio	956	511	2,742	4,209	3,672,316
Oklahoma Ter.	37	36	138	211	61,834
Oregon	1,288	2,271	3,774	7,333	313,767
Pennsylvania	2,010	2,238	19,346	23,594	5,258,014
Rhode Island	154	285	3,392	3,831	345,506
South Dakota	4,369	19,257	7,746	31,372	328,808
South Carolina	36	23	60	119	1,151,149
Tennessee	92	41	332	465	1,767,518
Texas	649	1,313	2,806	4,768	2,235,523
Utah Territory	9,023	1,854	5,986	16,863	207,905
Vermont	58	38	870	966	332,422
Virginia	108	102	215	425	1,655,980
Washington	2,807	8,334	10,272	21,413	349,390
West Virginia	44	7	72	123	762,794
Wisconsin	13,885	65,696	20,157	99,738	1,686,880
Wyoming	680	345	1,357	2,382	60,705
Total	132,543	322,665	478,041	933,249	62,622,250

TABLE V

FOREIGN WHITE STOCK OF SCANDINAVIAN ORIGIN, 1910

13th Census, I, Chapter viii, Table 29

Under each state the figures represent
(1) foreign born, corresponding to the figures given for 1850, 1870, and 1890
(2) native white of foreign parentage
(3) native white of mixed parentage

	Norway	Sweden	Denmark	Totals	Grand Total
Alabama	266	752	197	1,215	
	114	481	105	700	
	168	274	128	570	2,485
Arizona	272	845	284	1,401	
	164	427	172	763	
	106	302	246	654	2,818
Arkansas	76	385	178	639	
	49	176	72	297	
	77	374	198	649	1,585
California	9,952	26,210	14,208	50,370	
	4,666	14,797	8,244	27,707	
	2,528	5,464	4,043	12,035	90,112
Colorado	1,787	12,445	2,755	16,987	
	1,421	9,681	1,894	12,996	
	826	3,287	1,061	5,174	35,157
Connecticut	1,265	18,208	2,722	22,195	
	499	14,508	1,845	16,852	
	204	1,788	418	2,410	41,457
Delaware	38	332	52	422	
	15	208	17	240	
	12	85	19	116	778
Florida	303	728	295	1,326	
	158	387	110	655	
	303	412	161	876	2,857
Georgia	145	289	112	546	
	56	153	33	242	
	85	196	72	353	1,141
Idaho	2,566	4,985	2,254	9,805	
	2,221	3,876	2,680	8,777	
	1,289	2,124	2,532	5,945	24,527
Illinois	32,913	115,422	17,368	165,703	
	26,572	94,830	11,551	132,953	
	8,953	19,879	4,600	33,432	332,088
Indiana	531	5,081	900	6,512	
	363	4,824	692	5,879	
	299	1,896	582	2,777	15,168

TABLE V (Continued)

	Norway	Sweden	Denmark	Totals	Grand Total
Iowa	21,924	26,763	17,961	66,648	
	30,392	28,859	17,814	77,065	
	14,586	10,573	5,966	31,125	174,838
Kansas	1,294	13,309	2,759	17,362	
	1,371	15,911	2,635	19,917	
	1,031	6,411	1,822	9,264	46,543
Kentucky	53	190	78	321	
	39	104	40	183	
	40	148	96	284	788
Louisiana	294	344	239	877	
	92	154	125	371	
	252	438	392	1,082	2,330
Maine	580	2,203	929	3,712	
	288	1,478	715	2,481	
	218	627	340	1,185	7,378
Maryland	363	421	237	1,021	
	144	209	88	441	
	164	261	158	583	2,045
Massachusetts	5,432	39,560	3,403	48,395	
	2,170	25,149	1,706	29,025	
	768	3,759	963	5,490	82,910
Michigan	7,638	26,374	6,313	40,325	
	6,778	25,624	6,055	38,457	
	2,358	4,939	2,431	9,728	88,510
Minnesota	105,302	122,427	16,137	243,866	
	126,549	118,083	15,430	260,062	
	47,755	27,508	5,957	81,220	585,148
Mississippi	91	292	119	502	
	32	178	51	261	
	116	280	122	518	1,281
Missouri	660	5,654	1,729	8,043	
	543	4,937	1,147	6,627	
	537	2,936	1,380	4,853	19,523
Montana	7,169	6,410	1,943	15,522	
	4,859	3,865	1,302	10,026	
	1,914	1,527	696	4,137	29,685
Nebraska	2,750	23,219	13,673	39,643	
	2,989	26,599	13,957	43,545	
	1,968	8,668	4,932	15,568	98,755
Nevada	254	708	616	1,578	
	107	293	393	793	
	92	192	307	591	2,962
New Hampshire	491	2,068	131	2,690	
	292	1,172	55	1,519	
	69	316	69	454	4,663

TABLE V (Continued)

	Norway	Sweden	Denmark	Totals	Grand Total
New Jersey.....	5,351	10,547	5,056	20,954	
	2,256	5,899	3,350	11,505	
	745	1,902	1,261	3,908	36,367
New Mexico.....	151	365	116	632	
	109	240	75	424	
	71	144	91	306	1,362
New York.....	25,012	53,703	12,536	91,251	
	10,171	29,284	5,006	44,461	
	2,221	7,248	3,167	12,636	148,348
North Carolina....	39	112	36	187	
	13	36	13	62	
	28	70	28	126	375
North Dakota.....	45,937	12,160	5,355	63,452	
	56,577	10,533	5,043	72,153	
	20,770	4,107	1,805	26,682	162,287
Ohio	1,109	5,522	1,837	8,468	
	571	4,075	1,150	5,796	
	351	1,458	808	2,617	16,881
Oklahoma	351	1,028	550	1,929	
	425	943	518	1,886	
	432	1,058	577	2,067	5,882
Oregon	6,843	10,099	3,215	20,157	
	4,643	5,866	2,167	12,676	
	1,949	2,233	1,391	5,573	38,406
Pennsylvania	2,317	23,467	3,033	28,817	
	995	22,803	1,656	25,454	
	651	5,415	1,261	7,327	61,598
Rhode Island.....	577	7,404	328	8,309	
	230	5,174	153	5,557	
	109	636	108	853	14,719
South Carolina....	82	95	51	228	
	19	20	9	48	
	40	68	68	176	452
South Dakota.....	20,918	9,998	6,294	37,210	
	27,803	9,640	6,396	43,839	
	12,025	3,654	2,273	17,952	99,001
Tennessee	89	363	163	615	
	74	237	87	398	
	79	281	119	479	1,492
Texas	1,784	4,703	1,287	7,774	
	1,649	4,724	844	7,217	
	1,012	2,171	942	4,125	19,116
Utah	2,304	7,227	8,300	17,831	
	1,562	5,906	10,169	17,637	
	1,643	3,930	8,142	13,715	49,183

TABLE V (Continued)

	Norway	Sweden	Denmark	Totals	Grand Total
Vermont	102	1,331	172	1,605	
	41	905	74	1,020	
	32	185	68	285	2,910
Virginia	311	368	239	918	
	222	215	140	577	
	164	138	95	397	1,892
Washington	28,363	32,195	7,804	68,362	
	18,486	18,244	4,988	41,718	
	5,875	5,640	2,286	13,801	123,881
West Virginia	38	278	67	383	
	10	196	51	257	
	31	124	48	203	843
Wisconsin	56,999	25,739	16,454	99,192	
	71,681	23,268	15,903	110,852	
	29,020	6,379	5,958	41,357	251,401
Wyoming	623	2,497	962	4,082	
	381	1,455	866	2,702	
	245	598	521	1,364	8,148

APPENDIX II

STATISTICS OF THREE MINNESOTA COUNTIES

From the U. S. Census Reports

Chisago County	1860	1870	1880	1890	1900
White population	1,729	4,358	7,982	10,359	13,248
White native-born	1,209	2,164	4,017	5,613	8,230
White foreign-born	734	2,194	3,965	4,746	5,018
White foreign Danish		14	50	67	55
White foreign Norwegian		1,674	3,160	50	69
White foreign Swedish				3,955	4,215
Acres in farms					
Improved	3,468	8,004	31,198	43,476	85,277
Unimproved	18,484	34,593	72,595	101,649	129,501
Cash value of farms	$124,019	$477,720	$1,171,426	$2,563,630	$3,419,310
Fillmore County					
White population	13,542	24,887	28,162	25,966	28,238
White native-born	9,045	15,178	19,243	19,034	22,378
White foreign-born	4,497	9,709	8,919	6,932	5,860
White foreign Danish		13	96	68	59
White foreign Norwegian		6,612	5,191	4,171	3,593
White foreign Swedish				66	53
Acres in farms					
Improved	75,542	185,087	361,100	357,083	389,386
Unimproved	216,454	214,459	134,333	117,670	131,875
Cash value of farms	$1,844,797	$6,636,880	$9,535,815	$9,935,202	$14,240,595
Otter Tail County					
White population	178	1,968	18,675	34,232	45,375
White native-born	178	888	11,249	20,884	30,988
White foreign-born		1,080	7,426	13,348	14,387
White foreign Danish		41	214	345	372
White foreign Norwegian		889	4,772	5,955	5,738
White foreign Swedish				2,470	3,038
Acres in farms					
Improved	306	3,632	131,804	311,175	505,358
Unimproved	2,118	28,898	340,355	405,380	439,374
Cash value of farms	$17,550	$151,281	$3,650,223	$8,511,465	$12,478,640

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Church and State in Massachusetts 1691 - 1740

BY

SUSAN MARTHA REED, Ph. D.

Head of the Department of History, Lake Erie College
Sometime Fellow in History, University of Illinois

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PREFACE.

Six years ago I was working on a brief study of the ecclesiastical development of provincial Massachusetts, to present as a master's thesis at the University of Illinois. In putting together the material I was struck with the fact that there were some broad empty spaces in the story of the gradual encroachments on the old Puritan system by religious dissenters. By the middle of the eighteenth century Anglicans, Baptists and Quakers were all recognized in ecclesiastical law and possessed certain privileges, but the process by which these results had been gained was not clear. Histories of New England Baptists showed that the real work of this sect was practically limited to the second half of the century; local histories of Anglican churches recounted the efforts of the Massachusetts Churchmen; but neither explained the steps by which all three groups gained a fairly comfortable status in Massachusetts law before the middle of the eighteenth century.

A solution of this problem has been found in the early records of the Society of Friends in New England and in London. The best collection of New England Quaker records, the minutes of the New England Yearly Meeting and of the Rhode Island Quarterly, are in the library of the Moses Brown School at Providence. Others may be found at the Newport Historical Society, the New Bedford meeting house and the meeting house at Lynn. All have been used again and again for local and genealogical purposes but rarely for any general study. In every case they show so close a connection between the Quakers of Massachusetts and those of England that the records of the London Yearly Meeting and the London Meeting for Sufferings are essential for a clear understanding of what the New England Quakers of the early eighteenth century were doing. At Devonshire House, Bishopsgate, the records of the London Quakers are preserved in the Friends' Refer-

ence Library and tell a story of astonishing Quaker activity, of which the work done for New England was but a small part.

I wish to express grateful appreciation to the members of the Society of Friends who put their time at my disposal and made it possible for me to use the various Quaker records. Here I would mention especially Dr. Edward T. Tucker of New Bedford, Dr. Seth K. Gifford of the Moses Brown School at Providence, and Norman Penney of the Friends' Reference Library in London.

Aside from the Quaker collections my materials have been found in the State House at Boston, the Massachusetts Historical Society, the New England Baptist Historical Society, the Boston Public Library, the Rhode Island Historical Society, the John Carter Brown Library at Providence, Essex Institute at Salem, Bristol County (Mass.) Court House at Taunton; and in London at the S. P. G. House, the British Museum, Dr. Williams' Library, the library of Fulham Palace, the Public Record Office, and the office of the Privy Council.

I especially want to acknowledge the courtesy and kindness of Mr. C. F. Pascoe who made it possible for me to use the letters and journal of the Society for the Propagation of the Gospel, and the Rev. Sadler Phillips who put at my disposal certain boxes of papers belonging to the library of the Bishop of London.

For constant assistance and advice I am indebted to Professor Evarts B. Greene of the University of Illinois, under whose direction this study has been completed.

SUSAN MARTHA REED.

LAKE ERIE COLLEGE,
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CHAPTER I.

Introduction.

The year 1691 opens the second period in the constitutional history of Massachusetts. From the coming of the Puritan settlers of the town of Boston in the stirring days of Charles I's reign to the last years of the restored Stuarts, the Bay Colony had nothing more elaborate than the old charter of 1629 as its instrument of government. This was not primarily a document for the governing of a colony but the charter of a commercial company, organized by certain English Puritans with a view of settling the Massachusetts shore, but not then ready to state their purpose of becoming colonizers. With the sudden transformation of the stockholders of the Massachusetts Bay Company into settlers of Massachusetts Bay, this charter, carried across the Atlantic, became the source of authority in the local administration of affairs, and by a gradual process of stretching and adapting its provisions to suit the new conditions it was made to serve as a colonial constitution for over half a century. In this way an unusual degree of independence was maintained by the local authorities, and the spirit of the leaders in this Puritan experiment in government became strongly fastened on the manners of the colony. A governor and council as well as an assembly were elected by the freemen of the colony, and the legislative body kept up the traditions of the first-comers in maintaining a theocratic and exclusive form of government which was fully developed and fairly aggressive by 1660.

This in itself was irritating to the restored Stuarts, who were suspicious of an independent colonial government so thoroly Puritan; but the attack which was begun upon Massachusetts in Charles II's reign was primarily economic. The Navigation Acts of England were fashioned to produce a more efficient commercial system

throughout the empire. To promote this scheme, every province must bury its individual advantage for the good of the whole,—a thing which the colony of Massachusetts Bay was not content to do. The resistance to authority which Massachusetts offered, with other evidences of an independent spirit, was the cause of the investigation ordered in the colony in the sixties, of the coming of Edward Randolph as royal agent, and of the subsequent *quo warranto* proceedings which resulted in the loss of the charter. Pending the organization of a strong royal government, Massachusetts during part of the year 1686 was under the authority of a governor and council appointed by the king. Then followed its incorporation in the Dominion of New England, a territory planned to embrace all the broad lands lying between the Delaware and the St. Lawrence, and placed in the hands of Sir Edmund Andros as governor and representative of the royal prerogative of the later Stuarts. Widespread dissatisfaction with the Andros regime found a chance to express itself when the news of the English revolution of 1688 reached Boston, and the royal government was then overthrown.

In the meantime Increase Mather, who had been dispatched to England as the representative of Massachusetts in the general resistance to Andros, had been making every effort in frequent audiences with James and later with William to secure the old charter once more. This proved impossible and inadvisable; all that remained was to attempt to obtain a new charter from William and Mary which should reserve to the governing powers of Massachusetts as much as possible of their former rights and privileges. The result was the province charter of 1691 which opened the second period of Massachusetts history. During the interim between the overthrow of Andros and the arrival of the new charter a temporary government along the old lines managed affairs but gave way to the new régime when the second charter reached Boston. The method of reorganization in Massachusetts indicates the extent to which William III continued the colonial policy

bequeathed him by the Stuarts. In the charter of 1691 Massachusetts, which now included Plymouth, was made a royal province. The governor was to be appointed by the king and to possess an extensive veto power, while the king himself held the further right of refusing colonial legislation. By these means the authority of the General Court would be much limited and the province would be forced to fall in line to a certain extent with the wishes of the English government. The old order suffered severely by these limitations of its political power. It suffered also as an ecclesiastical state through a change in the franchise. The older rule of church membership as a qualification for voting now gave place to a property qualification, and many persons formerly excluded now had a voice in the government. Thus it came about that Massachusetts began the second period of her history with an enlarged boundary and under a royal government, on aristocratic lines as before, but no longer as a theocracy. The influence of the new government on the relation between church and state was soon to become apparent.

The Massachusetts charter, as we have seen, illustrates the way in which William III followed the colonial policy of the last two Stuarts in its political and economic phases. William believed, as had the Stuarts, that the well being of the empire lay in the enforcement of the Navigation Acts; he believed that colonial governments which had shown a tendency to resist such law in a spirit of independence must be controlled, and that the way to do this was to be found in uniting them and bringing them more closely under the crown. In the reign of Charles II there had appeared some indications of a desire to advance a religious policy, suggesting the ambitions of Archbishop Laud in the days of Charles I. That unity, so desirable in the administration of the colonies, might be forwarded by supporting the missionary work of the Anglican Church in the British possessions beyond the seas, and by means of the establishment of Episcopacy as the state church throughout the colonial empire the royal government might

have a definite hold upon the colonies. That variety in religious forms and creeds, which was characteristic of British America, was increasing the growth of particularism which the authorities at home were anxious to prevent, as it made more difficult the problems of administration. It is doubtful if such a plan was ever frankly recognized as a governing policy. Certain it is that while the commercial greatness of England was an object which each reigning house and each political party came more and more to seek, the enforcement of such a religious policy as this depended too much upon the attitude of monarch or chief minister toward the English Church.

If such a scheme was in existence, lying dormant, at the accession of William and Mary, it was not to be called to activity by a representative of Dutch Protestantism and low churchmanship. Succeeding reigns, which adhered to the enforcement of British imperial control over the political and economic life of the colonies, were inconsistent in ecclesiastical affairs. This side of colonial policy was for the most part neglected during the century introduced by the coming of William of Orange except under Queen Anne. The reign of William and Mary was in this way a disappointment to the English Church, and much more so was the period of the early Georges, when the Church in its enterprises over the seas received little sympathy from Walpole. For this reason the Church of England, during the greater part of this time, found itself on almost the same footing in the colonies as any one of the dissenting sects. The laws which proclaimed an establishment at home were not generally considered as extending to the colonies. Whatever attempts were made to advance Episcopacy in the provinces belonged not to the government but to the Church itself, working through individuals and organizations in both England and America, and only on rare occasions assisted by governmental authority.

While the government failed to carry out the plan of promoting the Church in the colonies, the Church itself turned to the matter with zeal. Beginning with the efforts

of the Bishop of London, acting as diocesan of the colonies, and continued by the Society for Promoting Christian Knowledge (S. P. C. K.), under the influence of Dr. Bray, the work culminated in the formation of the Society for Propagating the Gospel in Foreign Parts (S. P. G.), which was to devote itself entirely to the British possessions beyond the seas. In the reign following that of William and Mary, when the influence of Queen Anne was cast on the side of the Society, it made a real beginning and grew rapidly.

The Church of England's enthusiastic interest in missionary work among the colonies of British America had no counterpart in any of the other Protestant sects of the mother country except the Quaker body. At the opening of the eighteenth century the Protestants of England outside of the Anglican Church were divided among four important denominations,—Presbyterian, Congregational, Baptist and Quaker,—and these sects possessed certain differences which distinguished them from one another as clearly as from the established church. Closest to the Church of England were the Presbyterians who still favored a state church but disapproved of much of the form and ceremony which the Anglicans maintained. The Congregationalists, with doctrinal views which were little different from those of the Presbyterians, denounced the theory of a church establishment, and were therefore more in sympathy with the Baptists than with the Presbyterians, except in theology. The Baptists, the term covering a number of dissenting groups which traced their origin to the continent, were more radical in their treatment of the ideas of the Reformation than any of the other nonconformists except the Quakers. The latter far surpassed them, standing alone as the Protestants of Protestants, unique in belief, in an exclusive attitude toward other Christians, and in their customs. During the last decade of the seventeenth century the leaders of the Presbyterians and the Congregationalists, the two sects having most in common, made some earnest attempts to unite on a single

platform, but neither group as a whole responded with enthusiasm, and the plan fell through. The same fate met another scheme for bringing together Presbyterians, Congregationalists and Baptists into a loose union. Through all these years the Presbyterians were the most favored by the Church and were far more inclined to compromise in matters of form and ceremony than the more rigid Baptists and Congregationalists who accordingly looked upon them with some distrust.

Union among these three bodies of dissenters was apparently impossible, and as time went on it became evident that they were less numerous and less vigorous than their early history had predicted. They were no longer growing rapidly, adding to their ranks at the expense of the Church of England, as they had in earlier days; they were at odds with one another and they were torn with religious controversy, each within itself. In the last decade of the seventeenth century came the lengthy discussion connected with the various attempts made to secure the passage of a comprehension bill which would make it possible for many of the nonconformists to be gathered again into the national church. When this failed, bringing out the points of difference rather than of likeness among Presbyterians, Congregationalists and Baptists, and the impossibility of broadening the Church so as to include any great number of them, they were almost immediately overtaken by the reactionary legislation of the early eighteenth century. After their vain struggle, during Queen Anne's reign, to oppose the Occasional Conformity and Schism Acts which seriously limited the political sphere and educational advantages of all who were not Churchmen, many gave up the position they had held as too costly a luxury. The great men of the first generation had not been followed by others of so high a degree of eminence, able to lead their followers in the face of changed conditions, and many of the prominent nonconformists, when convinced that no method of comprehension could be arranged, or when occasional conformity was made illegal,

returned to the Anglican Church. Finally, the reign of Queen Anne was hardly ended when the anti-Trinitarian controversy became acute, stretching over a period of many years and dividing the ranks of the nonconformists once more, now on new lines. Real vigor and unity were conspicuously lacking in the three English nonconforming sects which traced their origin to the Reformation.

The case of the Quakers was very different. By the second quarter of the eighteenth century their strangely rapid decline had begun but in George I's reign it was not yet apparent that their days of steady growth were numbered, and these years mark for them a period of great vigor as a religious body and as a political force. Actual persecution was now a thing of the past, and they were living like the other dissenters under the Toleration Act. In wealth and political influence they occupied a position second only to that of the established church. Their political power should in large measure be traced to their strongly centralized organization over which the London Yearly Meeting exercised supreme authority. Difficulties carried by weekly and monthly meetings to this central body were turned over by it to the Meeting for Sufferings which in frequent sittings considered all subjects with due care and took active measures for redress. Through numerous wealthy and prominent members who were close to the government in William's reign the ear of authority was reached with little difficulty. It was in Quakerism that the Anglican Church of the late seventeenth century saw its most dangerous adversary and in the Quaker doctrine read a statement of belief which it looked upon as non-Christian and attacked accordingly. The conversion of the Quakers of England was one of the purposes of the S. P. C. K., while work among the Quakers of the colonies was an important object of the S. P. G.

The duel between the Quakers and the Anglicans in the colonies, each backed by a powerful influence at home, the London Yearly Meeting and the English Church, became a leading feature of the ecclesiastical situation in

America in the early eighteenth century. The period saw the highest point in numerical strength which Quakerism reached in America as well as in England, and it saw also the most important strides taken by the Church of England in the colonies between the Restoration and the Declaration of Independence. Successful attempts were made to establish Episcopacy by law in several colonies, and Anglican churches, the result of missionary enterprise, sprang up in the whole line of English settlements from New England to the West Indies.

While the other nonconformists were relatively stronger in the colonies than in England, they were, as in the mother country, less influential on the whole than the Society of Friends. The various sects had little or no official support from parent groups at home and were even more disunited than they. Of these the Presbyterians were to be found in no great numbers as yet for the chief Presbyterian immigration, that from Scotland and Ireland, belongs to a later period. The Baptists of the colonies were more closely allied with the Quakers than with either Congregationalists or Presbyterians, for their insistence on the separation of church and state placed them at odds with the nonconforming established churches of Massachusetts and Connecticut. The latter, which called themselves Congregational but were usually known as Presbyterian or Independent, had drifted so far from any corresponding group in England that they were looked upon rather unsympathetically by English nonconformists, especially because of the extremes in ecclesiastical legislation of which both colonies were guilty.

The weakening of the tie between the nonconformists of England and New England had come gradually and through no voluntary act on the part of either. It had come in spite of a friendly intercourse between the leaders on the two sides of the Atlantic. Increase Mather was as closely associated with the nonconformists of England as with those of his native land; many of the New England ministers of 1700 had visited England or corresponded

with nonconformists at home and the works of English divines were read eagerly in Massachusetts. One primary cause for the independent growth of the churches of New England was the lack of a central organization binding them to the churches of the mother country, as existed in the case of the Anglican and Quaker bodies. Founded independently by the two branches of English dissent, the Nonconformists proper and the more radical Independents, the colonies of Massachusetts Bay and Plymouth had kept in close touch with the English Puritans through the Civil War and Commonwealth periods because of their common cause at a stirring time. Only with the Restoration came the dissolution of the bond of interest that united New England with nonconformity at home, and in view of the lack of a governing system held in common, it is small wonder that the two divisions fell gradually apart. There was no longer the exciting interest in a great common cause, an interest stimulated by the conditions in the last years of Charles I's reign; nor was there the common excitement which belonged to the period of the Civil War in England when many of the New England Puritans returned to enter the army.

From the Restoration on the nonconformists of England and New England had diverse interests and developed differently. On the Massachusetts shore the two Puritan colonies grew more and more closely together and worked out a system of church and state government which drew inspiration from both Plymouth and the Bay. At the time of the province charter, which joined Plymouth to its larger neighbor, the final compromise was effected and the two systems merged into one. This was the basis of Massachusetts ecclesiasticism in the eighteenth century. At the same time the aggression of outside forces was helping to weld together more firmly the members of the "standing order." Such was the coming of the Quakers with the conversion to Quakerism of many persons of the Massachusetts towns who had already given evidence of a varying form of theology. A little later the recognition of the

Church of England worship in Boston, in James II's reign, tended to increase that rigidity in theology and ecclesiasticism which was a characteristic of the second and third generations of New England nonconformity. This development in Massachusetts failed to attract much attention from the English nonconformists who would not have been very sympathetic toward it; and conditions in England, already described, were in the meantime holding their attention and giving them interests which made little appeal to New England Congregationalism. The discussion connected with the comprehension bill emphasized distinctions between Anglican and Puritan which New England had taken for granted and had no desire to minimize. The reactionary legislation of Queen Anne's reign did not extend to the colonies. The anti-Trinitarian movement, which convulsed England in the early eighteenth century, had no great effect in New England until almost a century later. From these ecclesiastical and theological contests waged in England during the reign of William and Mary and that of Anne New England Congregationalism was therefore well nigh free, and in proportion to this freedom it hardened and narrowed, drawing apart and caring little for the constantly developing and increasingly liberal dissent of England.

In spite of this failure on the part of New England nonconformity to maintain a close union with the dissenters in England, the strength of the state church in both Connecticut and Massachusetts was such that Quakerism made but slight inroads in the former and in the latter was pushed out into the border counties. For this reason the Church of England, when planted in Connecticut, was facing not the Quakers but rather the strongly established Congregational system. Massachusetts, on the other hand, offers the unique case of a three-cornered combat in which the two bodies which possessed most vigorous support at home and were victorious, one or the other, in most of the middle and southern colonies, were here outnumbered and long defied. Their adversaries, the Congregationalists,

while not receiving systematic, organized help from a parent group abroad, were so united and so rigid that for a long time they were able to deny any concessions.

Altho the New England nonconformists were not receiving direct aid from the dissenting bodies in England they were supported indirectly by William's government. The Massachusetts province charter itself indicated the extent to which sympathy might be expected from this Dutch Protestant ruler who was frankly disappointed in the failure of the comprehension bill and in his inability to do better for the English nonconformists than to secure the Toleration Act. The new charter, the work of Increase Mather, under the authority of William, specified that liberty of conscience should be allowed throughout the province, and no special recognition of the Church of England was demanded. It failed therefore to support the encroachments of Episcopacy which had appeared in the previous decade, aided by Randolph and Andros. The next few years saw the allowance by the king in council of Massachusetts legislation which practically renewed the ecclesiastical system of the seventeenth century. While to a certain extent continuing the methods of the Stuarts in dealing with political and economic problems in New England, William was not ready to make great use of the English Church as an agent in accomplishing his object.

The opposition to the established church of Massachusetts which had been opened by the intruders of the mid-seventeenth century was renewed soon after 1691 and now had an altered basis for attack in the terms of the new charter. The Quakers were the first to enter the conflict, drafting appeals to the governor and to the Friends of London before the S. P. G. had even been organized. They were regularly supported by the Baptist churches of the province, but the assistance thus given them was meager, as the Baptists were not a numerous sect in New England until after the religious revival of the middle of the century known as the Great Awakening. The Anglican invasion of Massachusetts, pushed forward after the founding of

the S. P. G., was an important factor in the progress toward the new era, but was less effective than the Quaker movement for reasons that will appear. The work of Anglican and Quaker, while slow and difficult, was aided by the low condition of spiritual vitality which New England experienced in the years immediately preceding the Great Awakening. The very absence of spiritual vigor demanded many laws to enforce customs which were now tending to lapse, as the people were no longer interested in maintaining the old standards. The elaborate ecclesiastical structure reared in order to meet the situation was artificial, and had no strength of its own to resist continued pressure upon it.

The nature of this artificial structure and the scheme of attack made against it by outside forces will be treated in the following discussion. As a study of institutions it places some emphasis upon the actual constitution of the Massachusetts church town at the highest point of its development and just before its disintegration began. As a study of English influence on colonial life it pays some attention to the political and religious forces at work in England to show what part they played in the events which occurred in Massachusetts.

CHAPTER II.

The Ecclesiastical System of Provincial Massachusetts.

The province of Massachusetts Bay offers an unusual field for the study of contending religious forces in America in the early eighteenth century. Against a stronghold of rigid church establishment, in the hands of nonconformists, two religious bodies, Anglican and Quaker, contended for years with little apparent effect but with ultimate success. In so doing they gradually broke down the Massachusetts ecclesiastical system which had come into being in the seventeenth century, had withstood the attacks of Antinomians, Baptists and early Quakers, had lapsed during the Andros regime but was later revived under the province charter. In elaborateness of detail and rigid formality the system reached its highest development in the first quarter of the eighteenth century, in the years when organized attacks upon it caused it to draw its mantle of exclusiveness more closely, and before the attacking forces had begun to gain their demands. It was, therefore, under the provincial government and not during the colonial period that this eminence was attained, a fact surprising in view of the many ways in which the province charter created a new era.

Postponing for the moment a consideration of the structure of the Massachusetts system as it was formed in the seventeenth century and hardened in the early eighteenth, let us examine the status of the man who did not sympathize with the existing order in the period before the provincial government. Perfect sympathy, as expressed in church membership, was required as a qualification for admission to the privileges of the body politic under the first charter, and an increasing majority of the inhabitants

of the colony were thus excluded from the franchise in spite of the results of the half-way covenant. Actual hostility, such as appeared in the views of certain dissenting sects which had crept in, was the attitude which the persecuting laws of the seventeenth century were framed to meet. Permitted more and more to lapse, these laws became a dead letter with the abrogation of the charter and under the governments which immediately succeeded. In the commission by which James II constituted a president and council for Massachusetts Bay, a "liberty of conscience" was ordered to "be allowed unto all persons," the Church of England to be "particularly countenanced and encouraged."[1] While the Churchmen of Boston, under the leadership of Randolph and Mason, the only Anglicans on the council, failed to make hoped-for headway, the New England Quakers were recording their appreciation of the changed conditions when they met in the summer of 1686. "We enjoy outward Peace at present," they wrote to the London Yearly Meeting, "the parsecuting spirits being under contemp themselves, and much awed by the present Power in England, so that we enjoy our Meetings Peaceably."[2] The injunctions issued to Dudley, when repeated in the Andros commission,[3] resulted in very unusual concessions which were allowed to both of these hostile bodies. The progress which was made by the Episcopal group in Boston was among the causes of the attempt to regain the charter, as well as of the revolt against authority in 1689; the other religious sects were well satisfied in finding

[1] 5 *Mass. Hist. Colls.*, IX, 150.

[2] *Epistles Received*, I, 19. A letter written to London later in the same year expresses more strikingly the same idea. "Them that were secure and had made their nests in the Stars, are now in some measure brought to the Dust; their Dagon is fallen, and their Arke is taken, And now are crying whose sorrows are like ours: This we see is the Lords doings, and it appears Marvellous to many, that in the Bloody Town of Boston, and other places where Friends were a hising and by work among them: have now Equal privilege with their persecutors, by reason of the Kings indulgence for Liberty of Conscience." *Ibid.*, I, 21.

[3] 3 *Mass. Hist. Colls.*, VII, 147-148.

themselves for the time being relieved from taxation for the support of the Congregational system.[4]

While the towns in general went back to their former methods when the old order was resumed in 1689, its basis was entirely altered when the new charter went into effect two years later. Provisions regarding the relation of church and state are conspicuously lacking in this document, and because no special prohibition was there laid down it was possible for the General Court to renew the ecclesiastical framework of the seventeenth century without exceeding the law. The only limitation appeared in a clause which stated that

for the greater Ease and Encouragement of Our Loveing Subjects Inhabiting our said Province or Territory of the Massachusetts Bay and of such as come to Inhabit there Wee doe by these presents for Our heires and Successors Grant Establish and Ordaine that for ever hereafter there shall be a liberty of Conscience allowed in the Worshipp of God to all Christians (Except Papists) Inhabiting or which shall inhabit or be resident within our said Province or Territory.[5]

Later controversy raised a storm over the meaning of "liberty of conscience . . . in the Worshipp of God." Examined in the light of events in England at the opening of William's reign and of conditions prevailing in Massachusetts during the years of the Dominion of New England, the meaning is obvious. As an echo of the Toleration Act the province charter was attempting to bring the nonconformists of New England a full assurance that they should suffer no interference in their method of worship by the state church of England. It was therefore in accordance with one of the special requests submitted by Increase Mather. Further than this it gave assurance to the several dissenting sects in Massachusetts that the general tol-

[4]The London Yearly Meeting, recognizing the opportunity afforded by the appointment of Andros, had urged the New England Quakers to appeal to him, and the latter answered with the report that upon application he "has taken off that oppression and Yoak that Friends were under for Maintenance of Ministers so called: And Friends have a good Interest in him: and he is very kind & Curteous to us." *Epistles Received,* I, 58-59. See also Palfrey, *New England,* III, 522. A Quaker petition bearing on this matter in an individual case appears in *Mass. Archives,* XI, 40.

[5]*Mass. Prov. Laws,* I, 14.

eration which they had attained by the end of the colonial period should be continued.

Neither the hierarchy of Massachusetts nor the dissenter was satisfied that the interpretation should stop here. The hierarchy found expression for its view in the laws for "maintaining religion" which renewed the old ecclesiastical system; the scattered representatives of the other sects denounced such action as an infringement of the same clause. The view of the elder Mather appears in the election sermon which he preached in 1693.

Your religion is secured to you, [he announced.] Now you need not fear being sent to Prison (as some of you were under a late Government) because you scruple Swearing by a Book. You may Worship God in the greatest Purity, and no one may disturb you. If you set apart Daies for Solemn Praier or Praises, as the Divine Providence may call thereunto, you need not fear being interrupted or Obstructed therein as it was here six years ago. You may by laws not only Protect, but encourage that Religion which is the General Profession of the Country.[6] Religion is forever secured, [repeated his son,] a righteous and generous liberty of conscience established. And the General Assembly may, by their acts, give a distinguishing encouragement unto that religion which is the general profession of the inhabitants.[7]

The policy here recommended was hardly expressed in public law before the opposing forces were announcing their interpretation of liberty of conscience. A Quaker appeal of 1702, complaining of taxes for the ministry, begged for a "Liberty of Conscience in the Exercise of Religion as a Priviledge granted by their Majestyes Charter,"[8] and later petitions to the provincial assembly and to the crown repeated over and over the same idea. To favor one system of theology and church practices, taxing all persons for the support of the favored method, was looked upon by those not in sympathy with the establishment as an infringement of the charter.[9] Many years later Isaac

[6] I. Mather, *The Great Blessing of Primitive Counsellours,* 21.

[7] C. Mather, *Parentator,* 141.

[8] *Bristol Sessions,* I, 38.

[9] The position is carefully taken in an elaborate representation to the crown from the Baptists of Rehoboth in 1715.

"whereas King Charles the Second of happy memory. When Complaint was made unto his sacred Majestie of the Cruell abuses that his Loyall

Backus, the Baptist historian, in critical comment on Cotton Mather, made the assertion that for the General Assembly to "give a distinguishing encouragement" unto a certain form of religion was nothing less than to "empower some to judge for others about worship, and to enforce their judgments with the sword; which is the root of the worst persecution in the world."[10] These two conflicting opinions in regard to the meaning of the charter and the rights of the dissenting sects in the province became the basis of the struggle which continued through a large part of the eighteenth century.

In pursuance of the Mather theory that laws might be passed for the encouragement of that form of religion which received popular favor, the General Court began to put once more into operation the system for financial support for the orthodox ministers of the towns which, so far as it was a matter regulated by the central authority, had recently lapsed. In Boston no difficulty had been occasioned because of the long standing custom of supporting ministers by voluntary contributions.[11] In the

subjects met with all in the Massathusetts Collony in New England, Namely, the Baptists, and the Quakers, and that from the Independant and Presbiterian parties, and that upon the Account of Religion, Some they Severely fined, some weer Cruelly punished, and put to Death, he Did quickly put a Stop to their Tirannie and Enlarged the Libertye of his poor Distressed subjects, to his Immortal honour, Granting Libertye of Conscience in the Worship of God to all his good Subjects in this Province which we Enjoyed allsoe in the Reign of King James the Second, and Confirmed by King William the third and Queen Mary, By Charter for the Better Encourageing of there Subjects in New England, and when your Sacred Majestie Came to the throne you was pleased to Indulge the tender consciences of your good and Loyall subjects in this Province, for which we owe all true Allegiance to the Church of England for Ever, Yett notwithstanding it has been the Practice of many towns within this province, and Still is to Rate and make Distress Upon the Estates of men whoe Differr in Point of Worship, as the Case is with us in this town of Rehoboth." *S. P. G. Papers,* B I, No. 169.

[10]Backus, *Baptists,* I, 446.

[11]*Ibid.,* I, 448. In "The Present State of New England", Randolph writes, "The Ministers in Boston are paid by a Collection weekly made in the several Congregations by the Elders, who give the Ministers what

country, however, especially in towns least in sympathy with the state church, a real problem had presented itself, as the ministers had found themselves unable to collect their salaries.[12] By a law of the 17th of June 1692, the preamble of which stated that

> several taxes or assessments, necessary for the support of the ministry and other public charges arising in the several counties and towns within this province, have been laid upon the inhabitants, and orderly committed to the constables or collectors by the selectmen or assessors in the several towns . . . and in many places remains uncollected,

it was ordered that the constables and collectors be required to collect all such rates and pay them to the county treasurer in each county or the selectmen in the town where they were made before the 10th of the following December. In any county or town where such taxes had been agreed on but not assessed, the selectmen of the several towns were ordered to make such rates and commit them to the constables to be collected in the same manner.[13]

Toward the end of the same year came the first of the acts "for the settlement and support of ministers and schoolmasters" under the provincial government, differing only slightly from seventeenth century legislation on the same subject. Each town in the province was ordered to take due care to be provided with an "able, learned orthodox minister or ministers, of good conversation," the same to be suitably maintained by the inhabitants of the town. If the inhabitants failed to make a contract, then, upon complaint to the quarter sessions of the peace for the county, the latter was empowered "to order a competent

they think fitt, but in other Towns they have a settled maintenance by a rate laid upon every Inhabitant, & houses are provided for them." Perry, *Ch. Docs., Mass.*, 6. "In some Churches, the Salary of the Minister is raised by a *Voluntary contribution;* especially in populous Places, and where many Strangers resort." C. Mather, *Ratio Disciplinae*, 20.

[12] "Discoragmts upon the hearts of the ministers increase by reason that a licentious people take the advantage of a liberty to withold maintenance from them." Samuel Willard to Increase Mather, 10 July, 1688, 4 *Mass. Hist. Colls.*, VIII, 571, Mather Papers.

[13] *Mass. Prov. Laws*, I, 28.

allowance unto such minister according to the estate and the ability of the town; the same to be assessed upon the inhabitants by warrant from the court, directed by the selectmen," who were then to assess the same and cause it to be levied by the constables. The act further provided that in case a town was without a minister for six months the court of quarter sessions should order such town to provide itself immediately; and in case it failed to do so, the court should procure and settle a minister there "and order the charge thereof and of such minister's maintainance to be levied upon the inhabitants of such town." So far no new theory was involved but in the fourth section appeared a new principle. Under the colonial government it had been customary for the members of a church to elect the man who should become their minister; but as church members only could become freemen and hence voters in town affairs, this was practically equivalent to the election of a minister by the town in those towns of the province which still had but one church. That it was looked upon in this way is probable from the fact that the new law ordered that a minister should be chosen by the major part of the inhabitants of a town in town meeting; and that the whole town should then be obliged to pay towards his settlement and maintenance.[14] Immediately there arose a difficulty, for the new charter had done away with the old church membership qualification for voting and had substituted a property basis which, now applied, meant that a far larger group of people than the members of a church would be electing its minister.[15] Further than this it failed to satisfy the conditions existing when there was more than one church in a town, particularly true of Boston where even the provision in regard to maintenance was

[14] *Ibid.*, I, 62.

[15] "That the world would soon have power over the church." Isaac Backus to Jedediah Morse, 9 March, 1791. *Backus Papers* (New England Bap. Hist. Soc.), Portfolio 42. Cf. the Massachusetts state constitution of 1780 which again introduced this method, thereby causing difficulties at the time of the Unitarian movement which hastened the separation of church and state.

a dead letter because of the well established method of voluntary contributions to which the Boston churches were accustomed.

Before dissatisfaction with these provisions had caused any change in legislation, the General Court continued its supervision of ministerial support in an act for regulating townships and town officers. It was enacted (16 November, 1692) that the selectmen or townsmen should assess the inhabitants and other residents of a town and the lands and estates lying within its bounds to all town charges ordered by the inhabitants in town meeting "for the maintenance and support of the ministry, schools, the poor, and for the defraying of other necessary charges arising within the said town," the constable or constables thereupon to levy and collect such assessments,

and to make distress upon all such [as] [*who*] shall [*neglect or*] refuse to make payment. And for want of goods or chattels whereon to make distress, to seize the person and commit him to the common goal of the county, there to remain until he pay the sum upon him assessed as aforesaid, unless the same, or any part thereof, upon application made unto the quarter sessions, shall be abated.

A penalty of five pounds was then declared for refusing to take the oath when duly chosen to serve in the office of constable, and in case the delinquent constable refused to pay this fine, it was to be levied by distress and sale of his goods, the overplus returned.[16]

Meanwhile, the unsatisfactory provisions of the act for the settlement and support of ministers was causing annoyance, and to dispel it an act was passed on February 17, 1693, to explain and alter some of its clauses. The new law repealed the fourth section of the older one and gave each church power to choose its own minister with the restriction that this act of the church to be valid must be concurred in by "the major part of such inhabitants as do there usually attend on the publick worship of God, and are by law duly qualified for voting in town affairs."[17]

[16]*Mass. Prov. Laws*, I, 66.

[17]More simply this expression might read, "the majority of the townsmen qualified to vote in town meeting,"—for it was in town meeting that the matter was decided. By "Such inhabitants as do there usually attend"

The clause allowing for his settlement and support was made more explicit, ordering that whether it be an incorporated town or merely a "part of a town, or a place limited by law for upholding the publick worship of God, all the inhabitants, and rateable estates lying within" it should be obliged to pay in proportion. In the case of Boston an exception was made in both of these matters and this town was allowed to continue its "accustomed method and practice," each church responsible for the choice of its minister, and his support dependent upon the voluntary contributions of its adherents. In dealing with defective towns the second law was much more definite and went farther. Where a town neglected its duty in regard to maintenance of the ministry, the court of quarter sessions, upon complaint, should summon the selectmen or other assessors and impose a fine upon them

not exceeding forty shillings each person for the first offense; and upon a second conviction of such neglect to impose a fine of four pounds upon each person; and the like sum of four pounds for every after conviction; such fines to be levied by distress and sale of the offender's goods (returning the overplus if any be).[18]

Such definite measures as these were the result of new conditions created by the provisions of the province charter. With the merging of Plymouth Colony in Massachusetts there came under the Boston government three new counties, in each of which were towns that for thirty years had

is meant the persons who are included in the precinct, whether church members or not, and who would be expected to attend at that meeting. Nowhere is the exact situation, when finally developed, more clearly stated than in *Ratio Disciplinae*, 15-16. Mather here says that after the church members have voted to call a certain minister, they "have a Meeting with the other Inhabitants of their Neighborhood, who are not yet arrived into the State of *Communicants*, When they do *all* together put it unto the *Vote, Whether they have no Objection against the Choice of Mr.* A. B. *to be the Minister of the Place; but shall concurr, to support him in the Exercise of his Ministry.*

Except the *Major-Part* of the Inhabitants (inclusive of the *Communicants*) do agree to this latter *Vote*, the Act of the *Church*, does not in the *Law*, make the *whole* Taxable in the Maintenance of the Minister, which the Church doth chuse."

[18] *Mass. Prov. Laws*, I, 102; Backus, *Baptists*, I, 448.

been establishing independent religious services recognized by their own town government and resisting the Plymouth General Court. To provide against this state of affairs among the Baptists and Quakers of Buzzards Bay, Cape Cod, and the Rhode Island border was the chief purpose of the ecclesiastical legislation of Massachusetts for the next thirty-five years.

The law just quoted went into effect in the winter of 1693. One year from the following May, at the time of meeting of the general assembly of Massachusetts Bay, when, as was customary, the ministers of the province were assembled in their annual convention at Boston,[19] they framed a memorial to present to the General Court describing certain difficulties which some of their number were experiencing under the existing legislation.

Inasmuch as destitute Churches are plunged into Extreame Difficultys, [ran this memorial,] in their Election & settlement of Ministers by ye Opposition wo their Acts find from ye Non-concurrence of ye other Inhabitants in their Towns, It is requested that ye Late Act of ye Generall Court referring thereunto, may be Explained, with an Additional Clause, Declaring, what shall bee done by Churches, In Case ye other Inhabitants in a Town Oppose their Acts in ye Calling of a Minister, without giving Satisfactory Reasons for their Non-concurrence.

It was suggested that the inhabitants of the town might in such a case call a council of representatives from several other churches who should consider the question under discussion, and in case of agreement with church rather than town could annul the vote of the town meeting. The charges arising from the entertainment of such a council should be paid by a levy upon the whole town.[20] No law to this effect was passed in this session, but in the following year the ministers again reminded the court of the "many parts of the Country which from year to year live without any settled Ministry," and urged that "This Hona Court would take it into their Consideration whether a Committee may not be appointed . . . to Tender fit Methods for the Establishment of the Christian Religion in those

[19]Walker, *Creeds and Platforms of Congregationalism*, 467-469; Mather, *Ratio Disciplinae*, 176-177.

[20]*Mass. Prov. Laws*, VII, 537.

places."[21] The court now took action. On June 13, 1695, the substance of the memorial of 1694 became law in so far as it provided for the calling of a council "consisting of the elders and messengers of three or five neighboring churches" in case of the non-concurrence in the church's act by the town.[22] It did however suggest the possibility

[21] *Mass. Archives,* XI, 90.

[22] "In Case of a Difference between the Church and the *Inhabitants* on this Occasion," Mather writes, "the *Law* provides the Remedy of a *Council,* from three Neighbour Churches, to decide, *Whether the Inhabitants ought to acquiesce in the Choice, wherein the Church has gone before them.*

Tho' the *Law* of the Place, about the *Chusing and Settling of a Minister,* (which has had the *Royal Sanction*) be a very wholesome Law, and have much of the *Gospel* in it, yet there grows too much upon the Inhabitants, who are not yet come into the *Communion* of the Churches, a Disposition to supersede it, and over-rule it; Many People would not allow the *Church* any Priviledge to go before them, in the Choice of a Pastor. The Clamour is, *We must maintain him!*"

Mather next quotes "Some of our Divines" who say, "'A Body of Christians, *Associated* for all the Ordinances of the Gospel, are a CHURCH of our Glorious LORD, which have among other precious Priviledges, a RIGHT from HIM, *To chuse their own Pastors.*

* * * * * * * *

To introduce a *Practice* in the *Choice of a Pastor,* which, being followed, may soon bring a *Pastor* to be chosen for a *Church,* which *few,* yea, *none* of the *Church* have ever Voted for, would be to *Betray* and even *Destroy* a most Valuable RIGHT, that such a Society has a Claim unto, and many *evil Consequences* are to be expected from it.

Nevertheless a CHURCH, in the Exercise of its RIGHT, ought in all possible Ways, consistent therewithal, to consult the *Edification* and *Satisfaction* of their Neighbours, especially of those, on whose *Assistance,* to carry on their Affairs, they may have much Dependence.

The *Church* ought to so manage their Choice, that, if the Neighbours have any just *Dissatisfaction,* all the Respect, required by *Scripture, Reason,* and *Gratitude,* may be paid unto it.'"

Mather finally adds, "To express the *Condescention,* in the close of these Conclusions, the Churches, do sometimes, by their Vote, make a *Nomination of Three or Four Candidates;* For every One of which the Majority of the Brethren have so Voted, that whomsoever of these the *Choice* falls upon, it may still be said, *The Church has Chosen him.* And then they bring this *Nomination* unto the other Inhabitants, to join with them in a *Vote,* that shall determine, which of them shall be the Man." *Ratio Disciplinae,* 16-18.

of this council's favoring the town's choice rather than that of the church by ordering that in this case the church should "proceed to the election of another minister;" concerning the expenses of the council it failed to take any action whatever.[23]

Two years later came a law regarding town rates which rounded out this early legislation dealing with the settlement and support of the ministry. Since certain constables and collectors of town rates had proved defective and negligent of duty, it was enacted that in case they failed to issue their accounts with the town treasurer by the time prefixed in their warrants, they should be "lyable to the action or suite of the treasurer" of the town who might "sue for and recover all such rates and assessments, or any arrears thereof, of and from those constables or collectors."[24]

From the foregoing laws may be outlined briefly the workings of the Massachusetts ecclesiastical system at the beginning of the provincial period, reproducing as closely as possible the system developed in the seventeenth century. Three governmental bodies were concerned with the church as related to the state,—the town meeting, the court of quarter sessions of the county, and the Massachusetts General Court. The legislative body passed the ecclesiastical laws ordering that each town be provided with a minister and that he should be supported by public taxation in that town, his salary to be collected by the constable or collector with the other town rates. The General Court also made it the duty of the court of quarter sessions to make sure that these laws were put into execution. Towns which failed to supply themselves with ministers were to be supplied and selectmen or assessors who failed to assess the rates might be prosecuted by this court. Lastly the town itself played an all important part in this system, for it bore the financial burden entailed and was

[23] *Mass. Prov. Laws*, I, 216; Backus, *Baptists*, I, 455.
[24] *Mass. Prov. Laws*, I, 276.

responsible for ratifying the choice of a minister made by the church members.

The laws of 1693 and 1695 offered a clear program for dealing with normal towns in their relation to the church, minister and support of religious worship. There had, however, already begun to appear that undercurrent of determination to manage effectively the communities where a large number of dissenters to the standing order prevented a willing support of the system. Trouble with them continued, and an act of 1702 for the first time stated the case by saying that

> in some few towns and districts within this province, divers of the inhabitants are Quakers, and other irreligious persons averse and opposite to the publick worship of God, and to a learned orthodox ministry, and find out ways to elude the laws provided for the support of such, and prevent the good intentions thereof, to the encouragement of irreligion and profaneness.

The law of 1692 for the fining of delinquent selectmen or assessors was now re-enacted with the further provision that the court of general sessions might in their places appoint "three or more sufficient freeholders within the same county, to assess and apportion the sum agreed or set for the yearly support and maintenance of such minister," which would then be passed with a warrant for its collection by two justices of the peace to the constables of the town to collect the amount and pay to the minister, the constables who failed of a due execution of such warrant to "incur the like pains, penalties and forfeitures as for not collecting and paying in any other rate or assessment to them committed." The court of general sessions was also to order a recompense to the assessors for this purpose appointed out of the fines set upon the delinquent selectmen or assessors, the remainder to go to the county.[25]

For the next few years following this enactment the court of general sessions for Bristol County found such determined resistance to this legislation in the Quaker towns of Dartmouth and Tiverton that the legislative body

[25] *Ibid.*, I, 505. An unsuccessful attempt was made by the Bishop of London to secure the disallowance of this act by the crown. *Ibid.*, I, 509.

of the province was forced to come to its aid with the act of November 14, 1706. The justices of the general sessions of the peace were ordered, at the opening of their court, to give special charge to the grand jury to make presentment of all towns and districts within the county destitute of a minister or failing to provide for his support, and upon such presentment to put into execution vigorously the laws relating to neglects of this kind. If their orders were then eluded by the towns concerned, the justices were to make report of their proceedings at the next meeting of the General Court. Upon receipt of this report the General Court of the province should take upon itself the care of securing a minister for such town or district, and provide for his maintenance. The course by which the latter was to be obtained carried the prerogative of the provincial government in ecclesiastical matters to the highest point which it ever dared assume. It was to add so much to the proportion of such town or district in the public taxes as might be deemed sufficient for that end, these additional sums to be assessed, collected, and paid into the public treasury, together with the other public taxes, to be drawn out by warrant from the governor by and with the advice and consent of the council and duly paid to the minister concerned.[26] On December 20, 1715, this law was re-enacted with the further provision that the general assembly in procuring a minister for a destitute town or precinct must find one who was recommended by three or more settled, ordained ministers.[27] This law was re-enacted July 5, 1722.[28]

In the meantime a series of enactments dealing with assessing and collecting of town taxes, especially where more than one precinct made up the town, modified the methods by which the minister's rate was gathered. The privileges and rights of the "precinct" as a distinct church-state were rapidly becoming crystallized. In 1702 such a

[26] *Ibid.*, I, 595.
[27] *Ibid.*, II, 26; Backus, *Baptists*, 482.
[28] *Mass. Prov. Laws*, II, 243.

district or precinct was empowered to appoint a clerk (corresponding to town clerk) and separate assessors for raising a maintenance for its minister, as well as to make out a warrant "in form as by law prescribed for town rates or assessments, directed to the constables of the town or district, for the collecting and levying of the same." In case the assesors so appointed refused or neglected to perform their duty the selectmen of the town from which such a district or precinct was set off were required to assess the inhabitants of the sum set for the maintenance of the minister thereof.[29] This law, extending only to the sums agreed on for the support of the ministry, was extended in 1718 so as to include charges for the building and repairing of meeting houses.[30]

The existence of assessors apart from the selectmen was arranged by law, for the assessing of the province rate, as early as 1700,[31] and in 1707 they were ordered to assess county and town taxes as well, the duties of the selectmen becoming thus limited. Each town was also given option in the choice of a collector distinct from the constable to collect town and county charges as he already gathered the country rate.[32] In 1710 the idea was repeated more definitely, tho the duty remained optional, and was applied to precincts as well as towns.[33] The re-enactment of this law in 1720 included a penalty for failure to serve. Anyone who refused to accept this unsought office or neglected to

[29]*Ibid.*, I, 505.

[30]*Ibid.*, II, 99, ch. 1, 19 June, 1718; Backus, *Baptists*, I, 499.

[31]*Mass. Prov. Laws*, I, 406, ch. 26, 20 March, 1700.

[32]*Ibid.*, I, 606, ch. 2, 11 June, 1707. The ministry rate seems to have been assessed separately under ordinary circumstances, "But," said Mather, "Where *Quakerism* is troublesome, some Towns are so wise to involve the Salary of the Ministry in a *general Rate* for all *Town Charges*, and so the Cavils of those, who would else refuse to pay the Rate for the *Ministry*, are obviated." *Ratio Disciplinae*, 22. "They have the Year past brought in another of their Ministers into this town of Rehoboth wherein we Dwell and have Rated us to him allso mixing up both his and their other ministers Rate with the town Debts." Representation from the Baptists of Rehoboth, 1 Jan., 1714/15, *S. P. G. Papers*, B I, No. 169.

[33]*Mass. Prov. Laws*, I, 653, ch. 5, 28 June, 1710.

take the oath was to be fined three pounds; and if he refused to pay his fine he was to suffer the same prosecution as one refusing to serve in the office of constable.[34]

Such is a brief outline of the legislation of the early Massachusetts Bay Province relating to the state church and its maintenance. Starting with the system already worked out in the seventeenth century, the General Court was forced to modify the old plan when it found that its orders went unheeded. The state church of Massachusetts was in the first instance a distinctly local affair, the town playing the chief part, the county giving assistance and the General Court acting principally as the source of authority. Variations from the normal in certain parts of the enlarged province caused a change which brought the legislative body into closer relation with the individual towns and caused it to assert a greater authority over them. After giving the county court very special powers and seeing them eluded, the General Court entered the breach, and endowed itself with the power to secure a minister where one was lacking and to pay his salary from the public treasury, adding such sum to the town's province rate. In this and in other instances the General Court came to play a very prominent part in the church life of the town. Before examining further the exact nature of the Massachusetts church town and its intimate relation to the county court and to the general assembly of the province, a short study will be made of the opposing elements in the ecclesiastical life of the province, which will throw further light on the laws above enumerated and explain the changes which occurred. While the principle of the Massachusetts system remained in force for more than a hundred years longer, its claim to complete authority was broken down at the beginning of the second quarter of the eighteenth century. We shall deal with the external causes and the nature of the change which the old system suffered.

[34] *Ibid.*, II, 181, ch. 6, 29 Nov., 1720.

CHAPTER III.

Opposing Elements.

By the year 1700 New England had lost much of the homogeneity which in the period of settlement had been possessed by the two larger colonies. In religious matters its inhabitants represented a fair sweep of opinion altho as yet they were all alike dissenters to the Church of England except the small body of worshippers at King's Chapel in Boston.[1] Rhode Island, extending toleration as it had from the first to all sects, and hence including several thousand persons of various creeds, was under a Quaker government,[2] and the prestige which this fact gave to the sect reached well beyond its own borders. While Rhode Island had marched steadily onward in its theory of religious liberty, the case of Connecticut represented the opposite extreme. Here the strictness of early Calvinism had been modified far less than in Massachusetts Bay and, tho various intruders had gained a foothold, they failed to thrive as in certain other parts of New England.[3] Between these

[1]"An Account of the State of Religion in the English Plantations in North America, by Col. Dudley, Governor of New England," *Prot. Episc. Hist. Soc. Colls.*, I, xiv, v.

[2]Samuel Cranston, elected governor in 1696 to succeed Walter Clarke, tho not himself a Quaker, was a nephew of Clarke and in sympathy with Quaker policy. Jones, *Quakers*, 199.

[3]As a case in point may be mentioned the Rogerines of New London. *Mass. Prov. Laws*, VIII, 155, ch. 102; 555. The Quakers made comparatively little impression on Connecticut. Bownas, the Quaker preacher, who visited New England in 1702-1703, recorded that no meetings were held for two hundred miles in Connecticut, and remarked, "The People being mostly rigid Presbyterians, counted it to be a great Crime to be at a *Quakers* Meeting." Bownas, *Life and Travels*, 116. About the time that the Connecticut law against heretics was revived, John Fothergill wrote, "After staying a few Meetings on *Long-Island* we set out for *New-England*, having near two hundred Miles to travel by land through the Colony of *Connecticut;* in which Space there were few or no Friends,

two positions Massachusetts was maintaining herself in a way that could not fail to become increasingly difficult. One problem had been presented to her by the annexation of New Hampshire and Maine towns which were communities of a strikingly different character from those reared under her own theocratic system. These were settlements made by persons who were primarily interested in trade and commerce and careless of her dearest theories in regard to church and state. Tho a menace to theocratic government, the inhabitants were at least neutral regarding the spread of other denominations. With the merging of Plymouth Colony in Massachusetts a far more difficult problem was offered by the presence of a few Baptist churches and a number of Quaker communities which had not been effectively dealt with by Plymouth court, far more tolerant and less aggressive as it always was than the assembly of the old Bay Colony.

Massachusetts at the time we are considering, including Maine and Plymouth, was made up of about eighty villages, scattered all the way from the fishing communities of the Maine coast, Falmouth and Scarboro, Wells, York and Kittery, to the settlements of Martha's Vineyard and Nantucket. Passing over a large section of rough hill country in the present county of Worcester, it likewise held possession of a number of promising towns in the Connecticut valley, closely related to the river towns of Connecticut. Starting at Springfield, settlers had pushed up the Connecticut and its branches until Northampton, Hadley, Hatfield, Deerfield and Westfield had all come into existence as farming hamlets, forming the county of Hampshire. Just below the New Hampshire border lay the villages of Essex county, some of them among the earliest settled communities in the colony, yet sharing many of the same frontier and trading interests as their neighbors to the northward. Here were the coast towns of Salem,

and the People generally very shy of us, and partly by reason of some severe Laws then in force there, they were afraid to converse with Friends." Fothergill, *Life and Travels*, 39.

Gloucester and Marblehead and the exposed settlements of Haverhill, Andover, Amesbury and Salisbury.[4] Boston was the center of the thickly populated region of Suffolk and Middlesex counties, the former including the capital and the old towns to the southward, Roxbury, Dorchester and Milton, and farther toward Plymouth the early settlements of Weymouth and Braintree.[5] Middlesex county, in covering a much larger area, contained some of the oldest places in the province, such as Cambridge, Charlestown, Newton and Watertown, and likewise another group of frontier communities requiring garrisons during the Indian wars. Among these were Dunstable, Groton, Lancaster and Oxford.[6]

Of the three new counties which Plymouth had recently contributed, Plymouth county itself represented the town of Plymouth, its neighbor Scituate, the Quaker communities of Duxbury and Marshfield, and the town of Bridgewater. The broad sand dunes of Barnstable county boasted the Cape Cod villages of Barnstable, Eastham, Sandwich and Yarmouth, and the county of Bristol was made up of the six thriving towns of Taunton, Rehoboth, and Swansea, Dartmouth, Little Compton, and Bristol, with the less vigorous Freetown, Tiverton, and Attleborough.[7]

In many of the frontier villages and near some of the older towns as well were scattered numerous plantations of Indians whose conversion had been a matter of serious importance to the colony in earlier days and was later taken up by the province. Here were a number of native Indian preachers and these were assisted by such of the

[4]The others represented in the Massachusetts General Court in 1700 were Newbury, Beverly, Boxford, Ipswich, Lynn, Rowley, Topsfield and Wenham.

[5]Also Dedham, Hingham and Medfield.

[6]The list also included Billerica, Chelmsford, Concord, Marlborough, Malden, Medford, Reading, Sherburne, Sudbury and Woburn.

[7]Oldmixon, *Brit. Emp. in Am.*, I, 81-88; *Mass. Prov. Laws*, VII, 238. The eastern shore of Narragansett Bay, including Bristol, Tiverton and Little Compton, was later surrendered to Rhode Island.

regular ministers as were interested in visiting and preaching in this type of parish.[8] Even the General Court took some limited measures for their evangelization.[9]

Of the organized towns of the province none lacked its regular minister except an occasional frontier community or the old settlements of Bristol county which were of a spirit definitely hostile to the purposes of the standing order.

The situation in the town of Boston at the beginning of the eighteenth century was not typical of the church life of the province. There were in Boston in 1700 four Congregational churches: the old First, the Second, under the direction of the Mathers, the South Church under Mr. Willard, and the Brattle Street Church which, because it had been founded recently on a slightly broader basis of creed and platform, was still looked upon askance by the other churches.[10] The voluntary method of contributing to the support of church and minister had very early separated church and state in the chief town of the colony, so far as this phase of the matter was concerned. Further than this the presence of three "dissenting meetings" in this town materially changed the effect which a uniformity in creed and service would have produced.[11] The society of the French Protestants, organized in Boston in 1687, had little to do with the result, as the Calvinism of the Huguenots was sufficiently close to that of New England to make the Massachusetts ministers unusually cordial. There was even some special legislation in their favor and some definite financial support given them from the public treasury.[12] It was the three "dissenting sects" of Baptists, Anglicans and Quakers which gave the religious life of

[8] *Typographus Lectori,* with Joseph Baxter, *Sermon,* 89-98.

[9] *Mass. Prov. Laws,* VII, 254, ch. 45.

[10] Winsor, *Boston,* II, 188 *et seq.*

[11] *Ibid.,* 192 *et seq.*

[12] *Mass. Prov. Laws,* VII, 250, ch. 34, 29 June, 1700. Under the date of 8 Jan., 1686/87, Cotton Mather records in his diary, "I would show all the Kindness that I can, unto the *French Refugees* arrived in this Country." 7 *Mass. Hist. Colls.,* VII, 134.

Boston so different a flavor from that of the other colonial towns.

Of these three the Church of England was the first to receive recognition and permission to build a church in Boston. Orders came from Charles II to the Massachusetts authorities that the right of using the Book of Common Prayer should be denied to no one, and through Randolph's influence an Episcopal clergyman was secured for the church of Boston who reached the town May 16, 1686. A building was begun soon after, and, tho it suffered in the revolution of 1689, was soon after open again, and represented a well recognized organization by the end of the century.[13] The first Baptist church in Boston, tho organized as early as 1685, was opposed so strenuously that it had no meeting house for many years. By 1700, however, the body was in general on friendly terms with the authorities and was more fortunate than the Anglican society in its freedom from political entanglement.[14] Toward Quakers the change of attitude in Boston had progressed even more rapidly than toward the other groups of intruders. In forty years they had passed from the violent persecution, meted out to them at their first coming, to the possession of a brick meeting house, and were no longer in general odium.[15] In 1700, then, Boston had four churches

[13]Foote, *Annals of King's Chapel, passim.*

[14]Backus, *Baptists,* I, 173-199, 205, 383-384; Wood, *First Baptist Church of Boston, passim.* As late as 1696 Mather could write of "A Preacher in my Neighborhood, who, I hope, is a good Man, however hee bee not of my Perswasion, but a froward Anabaptist." 7 *Mass. Hist. Colls.,* VII, 209.

[15]While the general tendency was to be increasingly tolerant of this sect, there were two parties in the matter, each including various shades of opinion. One of these was regretful of the former persecutions, the other only sorry that these had not been more effective. It is disappointing to find Sewall among the latter. He records that in a council meeting on August 23, 1708, he opposed granting a petition for the privilege of building a Quaker meeting house on the ground that he "would not have a hand in setting up their Devil worship." 5 *Mass. Hist. Colls.,* V, 82, Sewall's Diary. In spite of the presentation of the Quakers in *Magnalia,* (VII, 22, 23) and the author's description of them in another place as

of the standing order, a French Protestant congregation, a Baptist church, a Quaker meeting, and King's Chapel. Each of these was independent financially except for the missionary help which had been given to the Huguenots; for the Congregational churches maintained themselves exactly as the Baptists were forced to do.

If Boston was not characteristic of the province at large in its method of church support, it was essentially unlike the country towns in its inclusion of four recognized sects within a single township. While Quakerism and Baptist doctrines were present in various sections of the province and appeared side by side in several places, yet, in those districts where they were strongest, the standing order was comparatively inconspicuous. Moreover there was, as early as 1700, not a single Episcopal church in all Massachusetts except the Anglican congregation in Bos-

"Malicious as well as . . . Pernicious Enemies" (*Election Sermon, 1690,* 34), Cotton Mather had already taken a stand against their persecution on which he prided himself. "Among other things, I ran the Hazard of much Reproch by testifying in that Sermon (*Election Sermon, 1692*) against the Persecution of erroneous and conscientious Dissenters, by the civil *Magistrate.* I feared that the *Zeal* of my Country had formerly had in it more *Fire* than should have been; especially, when the mad Quakers were sent into the *Gallowes,* that should have been kept rather in a Bedlam. I did therefore on this great Occasion bear my Testimony; hoping, that if the General Assembly now thank'd me for it, *their* doing so, would bee accepted both by God and Man. I think, I am the only *Minister Living* in the Land, that have testifyed against the Suppression of Haeresy, by *Persecution.*" 7 *Mass. Hist. Colls.,* VII, 149, Cotton Mather's Diary, 14 May, 1692. The Quaker, Thomas Chalkley, visiting Boston in 1698, wrote, "I being a Stranger and Traveller could not but observe the barbarous and unchristianlike Welcome I had in *Boston,* the Metropolis of *New-England.* 'Oh! what pity, (said one,) it was that all of your Society was not hanged with the other Four!'" Chalkley, *Journal,* 18. "Remarkable was the Answer that one of his Neighbours made him, 'I wonder you are not ashamed to say so; for you know that the Judgments of God have been on our Country ever since.'" Chalkley, *Answer to Metcalf,* 389. Twenty years before this, Mr. Holmes, minister at Duxbury who had recently died, was described by John Cotton as "one of those who impute these dreadful frownes of Providence to our dealing with the Quakers." John Cotton to Increase Mather, 3 Jan., 1675/76, 4 *Mass. Hist. Colls.,* VIII, 228.

ton.[16] King's Chapel itself was an outgrowth of the royal prerogative in the capital. Outside of the chief town of the province, Episcopacy had so little reason for existence that there was no real attempt to introduce it until the formation of the Society for the Propagation of the Gospel in the following year, and even under its nourishing care the Church in Massachusetts continued to be a foreign plant.

On the other hand, the two religious bodies with which the standing order first came into conflict expanded naturally with the inevitable reaction to the strictness of seventeenth century Calvinism. The opposition aroused appeared in two distinct attacks upon the Massachusetts system as it had worked out and applied the teachings of Calvin. One of these was the attack on the alliance between church and state which the Massachusetts government had carried farther than it had ever been in Geneva. The second was the opposition to reliance on authority in religious belief. On this point the Puritans of the late seventeenth century were hardly less traditionalists than the Roman Catholics themselves, for they had substituted the authority of the Bible for that of the Church. In the attack on the relation between church and state, Roger Williams was the forerunner of both Quakers and Baptists of the later seventeenth century. In comparison with this principle, for which the Baptists have always stood, their doctrinal divergences, especially of the Particular or Calvinistic Baptists, were inconspicuous. On the question of the source of authority in religious belief, Anne Hutchinson and the Antinomians foreshadowed the later Quaker teaching. In their opinion divine revelation had not ceased and was to be sought in the immediate communion between the individual and God. "Heretical" doctrines such as these needed little stimulus from foreign sources and spread through Massachusetts with astonishing speed, dwelling

[16]Cf. George Keith. "In all the Continent of New England there is no Church of England I think, but at Boston, I have travelled through much of it, but never heard of any but that one." *Prot. Episc. Hist. Soc. Colls.,* I, xi-xii.

under the surface and then asserting themselves, dividing communities, causing migrations.[17] To such ideas as these the founding of Rhode Island was due in part, while within the Plymouth government, far less rigid as it was than the Bay Colony, were several regions which became the resort of refugees from Massachusetts. Even in Massachusetts itself Salem was early the abode of persons of the mystic type of mind, the one territory within the boundaries of the old colony where they persisted, tho they never flourished here as in the Rhode Island region.

Upon such ground as this fell the seeds of Quakerism when the first members of the society reached New England in 1656 and 1657, and tho suffering banishment, persecution and finally death, succeeded in planting the doctrine which was to be the greatest foe of New England orthodoxy for almost a century. Along theological lines the Quakers outstripped the Baptists, placing before all else the efficacy of the "inner light," and thus directly assaulting the Calvinist's emphasis upon the Scriptures as authority, the latter interpreted by the trained Calvinistic theologian. The appeal made by the Quaker doctrine in New England was therefore twofold. It attracted the more tolerant of the younger generation in whom was dawning an appreciation of religious liberty. It attracted likewise the religious individualist who fought authority in matters of belief. Among such were many of the third generation in Plymouth Colony who were carrying the principles of Independency to their logical conclusions. In the main, however, the Quaker apostacy in Massachusetts was not so much a thought movement as a popular reaction to a government aristocratic in political and ecclesiastical affairs, a government in which a large number of the people had little to say. This explains the fact that, with certain exceptions, the Quaker of New England occupied a far lower social position than the Philadelphia Friend.

[17]The pre-Quaker movement in New England has been described in Rufus M. Jones, *The Quakers in the American Colonies,* London, 1911.

Between the coming of the Quakers and the beginning of provincial government, when an extended boundary, a new franchise, and a greater liberty of conscience modified the Massachusetts ecclesiastical system, the Society of Friends was spreading rapidly. Within the limits of the old Bay Colony the one center, as already indicated, was Salem and Lynn, and from the north shore itinerant preachers traveled into the Piscataqua region which embraced the New Hampshire towns and the villages of the Maine coast. But of all the divisions of New England which in 1700 made up the province of Massachusetts Bay, the three counties which had once formed Plymouth Colony offered the most serious problems in the relation of Congregationalist and Friend. The reasons for this have already appeared. Among the Plymouth Colony people there was a tendency to resist a rigid ecclesiasticism such as Massachusetts was forming. This found expression in the Quaker and Baptist leanings of many individuals and in the comparative liberality of the Plymouth government toward dissenting sects. While it is not true that the authorities at Plymouth were in any way friendly to the Quakers, they may have been influenced in the direction of persecution by the Boston government. They were severe in restrictive laws and fined and imprisoned through a period of many years; but they failed to enforce the law in the outskirts of the colony and never made use of the death penalty.[18] The close proximity to the liberal towns of Rhode Island was of importance in maintaining this spirit in southeastern Massachusetts.

Of the three counties which had formerly belonged to Plymouth Colony and were at the beginning of the eighteenth century a part of the province of Massachusetts Bay, each maintained a thriving Quaker center. Plymouth town in her consistent aversion to the sect had relegated it to her neighbors on the northward; but here, in Scituate, Marshfield and Duxbury, to which towns missionaries from

[18]Backus, *Baptists,* I, 229, 450-453, 465; Thomas, *Quakers,* 209; Ellis, *New Bedford,* 34-36.

Rhode Island had come after 1658, the Society of Friends was holding a meeting as early as 1660.[19] In the county of Barnstable the two towns at the base of the cape, Sandwich and Falmouth, formed a vigorous Quaker community which held a meeting by 1672. The third Quaker center within the boundaries of old Plymouth Colony, embracing all the southern part of the Massachusetts Bay Province, was Bristol county.[20] There is a certain embarrassment in treating this region as a part of Massachusetts. Including as it did in 1700 not merely the townships which are still within its borders, but the whole eastern shore of Narragansett Bay as well, it represented a greater liberality and independence along political and religious lines than any other section of the province. These towns did indeed belong to Rhode Island in their history, their sympathies and their purposes, and were only geographically and politically a part of Massachusetts. The history of the religious development in them was parallel to that on the island. In many there was a mixture of beliefs unified only by an insistence upon independence of authority in both spiritual and temporal concerns. Others possessed a unity in doctrine best represented in the almost solid Quakerism of old Dartmouth. The assembly of Plymouth Colony had attempted to legislate in regard to public worship and the ministry here, but was never able to enforce its orders on the town.[21]

While Bristol county was preeminently the stronghold of Massachusetts Quakerism at the beginning of the eighteenth century, to neglect the presence of the Baptists within its borders would be unjust to a sect which, tho more restricted at this period, was destined to become the political successor of the Society of Friends. Backus recognizes only two communities including Boston in which there were Baptist churches before 1700 and mentions no other before 1736.[22] While this is accurate only if a

[19]Thomas, *Quakers,* 212.

[20]Jones, *Quakers,* 39, 40, 57, 58, 60.

[21]Potter, *First Cong. Soc. in New Bedford,* 14.

[22]Backus, *Baptists,* II, 306-310.

restricted notion is held of the qualifications of such an organization, it is nevertheless indicative of the small numbers of this group of dissenters in Massachusetts in the first quarter of the eighteenth century.[23] It is again significant of the nature of Bristol county that the first Baptist society within the boundaries of the present state was permitted to establish itself in this region many years before it had any sister church except the group at Boston. This church was founded by a body of Baptists from a town in Wales who left home with their pastor at the ejectment of the nonconforming ministers in the early days of the Restoration, found favor with certain Plymouth magistrates of liberal views, and secured the region of Swansea in which to settle. The remarkable feature in the grant of New Swansea in 1667 is that it was only a territorial grant and made no condition as to settlement and government. The immediate growth of the church was due to the fact that there had existed for several years in this part of old Rehoboth a group of persons who opposed the established church and had taken up with certain Baptist principles. Amicable relations were maintained with the orthodox members of the community, a condition made possible by the unusual catholicity of the Welsh pastor, while the church stood out only for independence from government control. Not until he was succeeded by a man who professed more rigid views in theology and drew the church with him, did religious controversy between Baptist and Congregationalist begin, in time splitting the church on sectarian lines.[24]

[23]Backus quotes a letter from Edward Wallin of London to Callender, dated 9 March, 1720, which says, "I am indeed troubled at the paucity of those of our denomination, in New England; though I cannot wonder at it, considering the treatment they have generally met with." *Baptists,* I, 487.

[24]Bicknell, *Barrington, passim;* Backus, *Baptists,* I, 282-284, 453; II, 24; E. Williams to I. Backus, 25 Nov., 1774, *Backus Papers* (New England Bap. Hist. Soc.), Portfolio 2; I. Backus to J. Morse, 9 March, 1791, *Backus Papers* (R. I. Hist. Soc.), I, 15.

Another early church in Bristol county was the one at Dartmouth itself, whose first teacher had found it profitable to leave the older part of Plymouth Colony because of liberal views. John Cooke had been deacon in Plymouth church for some years,[25] but was said to have been excommunicated for causing dissension and "running into sectarian and anabaptistical principles;" leaving Plymouth he finally settled in Dartmouth. A church was probably founded in the west part of the town about 1685.[26] At Tiverton a Baptist church is said to have been organized in the previous year.[27]

This description of the first Quaker and Baptist meetings within the limits of the later Massachusetts Bay Province has dwelt only on the more important centers of the propaganda. There were Baptists in all the Rhode Island border towns[28] and on the islands adjacent to Cape Cod,[29] while in small numbers they appeared in many other villages of Plymouth Colony. There were also a few in the Piscataqua region.[30] Quakers were found between 1698 and 1705 in many of the communities to the northward such as Hampton (Amesbury),[31] Salisbury,[32] Exeter,[33] Jamaica, [34] Newbury,[35] Haverhill[36] and Strawberry Bank (Portsmouth)[37] as well as the Isles of Shoals.[38] They

[25]John Cotton to Cotton Mather, 19 Apr., 1681, 4 *Mass. Hist. Colls.*, VIII, 251-252.

[26]Backus, *Baptists*, I, 452-454.

[27]*175th Anniversary of the Organization of the United Congregational Church of Little Compton, R. I.*, 13.

[28]Samuel Lee to Increase Mather, 25 Aug., 1687, 4 *Mass. Hist. Colls.*, VIII, 540, Mather Papers.

[29]Bownas, *Life and Travels*, 120; *Keith's Journal*, 22, 23.

[30]Backus, *Baptists*, I, 405.

[31]Chalkley, *Journal*, 18, 20; *Keith's Journal*, 8; Bownas, *Life and Travels*, 121.

[32]Chalkley, *Journal*, 21; *Keith's Journal*, 10.

[33]Bownas, *Life and Travels*, 121.

[34]Chalkley, *Journal*, 21.

[35]*Keith's Journal*, 13; Bownas, *Life and Travels*, 121.

[36]Chalkley, *Journal*, 21.

[37]*Keith's Journal*, 12-13.

[38]Chalkley, *Journal*, 20.

were living in the towns near Scituate,[39] in the region at the base of the cape around Barnstable and Yarmouth,[40] on the adjacent islands,[41] in all the little settlements on both sides of the Acushnet river,[42] while in even greater numbers they lined the shore of Narragansett bay. It has been estimated that there were three thousand within the limits of old Plymouth Colony and that one-third of the Piscataqua region was Quaker.[43]

Before 1702 there were eight monthly meetings for business in New England. These were the meeting of Greenwich, covering the Narragansett country; of Rhode Island, which included Tiverton and Little Compton; of Dartmouth; of Sandwich, embracing Falmouth and Yarmouth; of Pembroke, which included Scituate, Marshfield and Duxbury; of Salem; of Hampton; and of Dover. These monthly meetings were not long in grouping to form the quarterly meetings in which bodies the Friends did a large share of their most important work. The monthly meetings of Barnstable and Plymouth counties made up the Sandwich and Scituate Quarterly Meeting. Dartmouth and Rhode Island Monthly Meetings joined Greenwich to form the Rhode Island Quarterly, while all the northern towns, whether in Massachusetts proper, New Hampshire, or Maine, united in 1705 to make up the Salem Quarterly Meeting and to this the Boston Friends likewise belonged.[44] This centralized organization was completed

[39] *Ibid.*, 39, 45.

[40] *Ibid.*, 22, 39, 45; Fothergill, *Life and Travels*, 40.

[41] Chalkley, *Journal*, 19, 39; Bownas, *Life and Travels*, 120.

[42] Chalkley, *Journal*, 39, 45.

[43] Jones, *Quakers*, XV. Keith was underrating the Quaker strength in Massachusetts, with a view to encouraging the authorities who had sent him to lead the Quakers from their error, when he wrote, "Few Quakers are at Boston. There are some at Sandwich, some at Piscataway and others scattered Places, but very few." *Prot. Episc. Hist. Soc. Colls.*, I, xii.

[44] Jones, *Quakers*, 141, note 2; 142, note 1; *Moses Brown Papers*, XVIII, 55; *N. E. Yr. M., passim; A Brief Account of the Yearly Meeting of Friends for New England, with the Subordinate Meetings of which it is composed*, 11-22.

in the New England Yearly Meeting, occurring every June on Rhode Island, and attended by representatives from all the Quaker towns and villages who flocked to Rhode Island in great numbers. As a business meeting its importance can hardly be overestimated, for by making the local problems of all parts of two governments a matter for group consideration, it effected results for scattered hamlets which could never have been secured by anything but united efforts. The corresponding organization in England was no more thoro in this regard.

During the years of this development in the organization of New England Quakerism, there had come a decided reaction from that spirit of intolerant hatred which had been shown toward the first comers. Prejudice had lessened but little in the forty years since Quakerism first appeared in Massachusetts; but New England orthodoxy was learning that the Society of Friends was not advocating the practices of Münster in spite of the extremes to which some of the fanatics had resorted in days gone by. That tendency among the more ignorant of the first converts which the New England Yearly Meeting styled "ranterism" had existed in the earlier days but was rapidly disappearing.[45] Frowned on from the first by the better social class among the Friends, it became less and less conspicuous until little ground for complaint on this score might be found.[46] In

[45]Jones, *Quakers,* 113. "The old spirit and Principle of ye ranters the Lord hath brought down in these parts, Truth having Gained ye victory over them, so yt we meet with little opposition from them." Epistle to Lond. Yr. M., 1699, *Epistles Rec'd,* I, 301; *Lond. Yr. M.,* II, 302; "Aaron Atkinson's account of his Travels in America," *Lond. Yr. M.,* II, 313.

[46]The memorial of the Massachusetts government in respect to Quaker grievances in 1708 said, "nor are those that go Under the Denomination of Quakers now such as were then [17th century], who were some of them Open bold Disturbers of the Publick Peace and their Principles notoriously known to be Heretical, but are much refined both in principles and Conversation." *Mass. Archives,* XI, 279-280. Four years later the New England Yearly Meeting was writing to the London Friends, "our Yearly meeting hath been Very Large, and Through the great Love and Contineued ffavor of ouer gratious God and Heavenly ffather, wee have

all its early history Quakerism suffered seriously on both sides of the Atlantic from a failure on the part of its adversaries to appreciate the teachings of George Fox and his followers. It was the inevitable lack of sympathy between the mystic and the religious traditionalist, the latter represented by New England Puritan as well as by English Churchman. To the English clergy and to the New England ministers the doctrine of the inner light and the Quaker treatment of the Bible were nothing less than the overthrowing of the Scriptures as the source of authority, with the substitution of the all sufficiency of the light within. Yet more sacrilegious was the denial of the efficacy of Christ's life and death, the inner light again becoming all important and acting as a substitute for the atonement. The emphasis of the Church of England was on the sacraments, of the Puritan on the Bible. The Quaker in breaking away from the absolute necessity of either was, therefore, it seemed to both schools of theologians, not merely heretical but actually non-Christian. With increasing knowledge and a better appreciation of the Quaker's creed and purposes a far kinder spirit was awakened, while in the meantime the industry and piety of the individual Friend was beginning to make an impression which was bound to have visible results before many years had elapsed.

Enioyed the Same without aney Disturbance; Ye Spirit of Ranterism which fformerly Interrupted our-Quiett and peaceable assemblies being well Extingueshed." *N. E. Yr. M.*, 72; *Lond. Yr. M.*, IV, 326.

CHAPTER IV.

The System in Practice.

Between the inauguration of royal government in Massachusetts and the first legal confession that the Congregational church-state system was weakening and forced to make concessions, there were just thirty-six years. In this period various forces were struggling together. On the one hand appeared seventeenth century Calvinism, still guiding creed and platform, but troubled by what appeared to be the degeneracy of the times, a falling away from the fervent piety of the earlier generation. On the other hand there loomed large the spirit of persistent opposition to authority in matters ecclesiastical which was at last to make its impression because of changes that were at the time working within. These thirty-six years saw two failures of the clergy to secure governmental sanction for the holding of a synod; it saw the death of the elder Mather; it saw also the beginnings of the Anglican movement in New England and its support by the royal governors; and it saw the persistent increase in the number of Quaker and Baptist meetings which finally brought about the first exemption laws in their favor. It is for these reasons that the first quarter century under the province charter was conspicuously transitional, and yet, in the first twenty years at least, it represented the highest point which the Massachusetts church-state system reached, so far as detailed legislation and the execution of effective measures were concerned. In the colonial period the name "theocracy" best expressed the nature of the government; in the early provincial period there existed the anomaly of an enterprising royal province executing laws which maintained the shell of a weakening ecclesiasticism, the glory and fervor of which had departed. Yet another century had to pass before the system was allowed to expire and

the opposing elements were at this time only beginning to organize. On the threshold then of new adjustments in the old order, that system can best be examined, for those first adjustments made changes that greatly altered the whole legal procedure in ecclesiastical affairs. The foundation of the system was the passage of the first laws under the charter for maintaining religion; its opposing elements were the inward declination from standards of former days and the pressure from without of new hostile forces.

The strong feeling of particularism which the first churches of Plymouth Colony transmitted to the more Presbyterianly inclined meetings of the Bay had had its effect in producing a church establishment in which the central government was at first little more than a source of authority, shifting all the execution of its ecclesiastical laws upon the individual towns. The provincial assembly, having ordered that each town be provided with a minister, put it into the hands of that town and its church to procure him and bargain with him; likewise the assembly, having ordered that he be maintained, left it with each town to assess and collect the taxes therefor. A little later the county court began to play an important part in supervising the towns. Only when difficulties ensued did the General Court appear on the scene of action, acting as court of high appeal or giving advice to contending parties. This was the marked tendency of the last of the seventeenth and the first of the eighteenth century, and shows clearly in what direction matters were traveling. The orthodox towns were tending more and more to rely on central authority, while nothing short of rigorous action on the part of the government could maintain in the whole province the conditions which had been the natural expression of the religious views of the first comers. To get any idea of the actual working of the Massachusetts church-state system and of the position which the General Court came to occupy in ecclesiastical affairs, it is necessary to study local conditions; and this study will be far from perfect because of the nature of the material upon which it must be founded.

The church and state relation was the conspicuous feature of the Massachusetts community. Whether the latter existed as a plantation, as yet unorganized, as a town proper with all its accompanying privileges, as a second precinct of an original town formed on the basis of religious needs, or finally as a second separate town when the new precinct warranted such a measure,[1] the connection between the church and the town, as no less between each of these and the court of general sessions or the general assembly of the province, was close and vital.[2]

In the transitional or first stage through which a plantation passed before its erection as a town, there was often a movement, especially in those frontier settlements which

[1]Channing, *Town and County Government,* 35.

[2]A number of excellent attempts have been made to define the terms relating to New England local government in the seventeenth and eighteenth centuries. These are usually broader than the present subject requires and should be slightly modified before a perfectly clear idea can be gained of the Massachusetts ecclesiastical system in the early provincial period. *Township,* which Channing tells us (*Town and County Government,* 35) at first meant merely a tract of land granted to persons who intended there to settle a town and gather a church, is already used synonymously with town, tho less often, and when so used is likely to have a territorial sense in contradistiction to *town* as a civil organization. A group of homesteads not to be considered as a civil organization may be termed a *village;* and if it is the outlying settlement of some older town the name *hamlet* is not uncommon, as Salem village (later called Danvers) or the hamlet of Billingsgate, a part of Eastham. *Plantation,* while sometimes used in a general way for town, has more often the technical meaning, observed by Channing, of a community which has not yet acquired the dignity of a town. (*Town and County Government,* 35.) The *precinct, parish* or *district,* as it was interchangeably called, tho far less clearly defined than the town itself, was a most essential part of the Massachusetts ecclesiastical system. Briefly it was a division of a town cut off for convenience in regard to attendance at worship and support of the ministry. It had at the same time non-ecclesiastical causes and characteristics which are inclined to detract from its real significance as a little church state, its most important element. This fact is underestimated by Howard (*Local Constitutional History,* 52.) and his definitions are therefore less satisfactory. The name parish was not used interchangeably with town. Perry, *Ch. Docs., Mass.,* 65.

grew but slowly, for some encouragement of the ministry several years before township rights were granted.[3] Upon an appeal to the General Court the latter often responded with a direct money grant.[4] This transitional stage is comparatively rare in the provincial period, limited almost exclusively to the garrison towns, for by this time all the older townships were well established with extensive boundaries including practically all the accessible parts of the province.

The change from unorganized plantation to town proper therefore is seen mainly in the frontier communities.[5] Upon the organization of these frontier posts as towns, the regular laws for maintaining religion went into effect; but since the circumstances of their condition were unusual, numerous exceptions were made in their favor which gave the transition and resulting conditions an abnormal character.

The normal method of forming a new town in the provincial period was to cut off a part of an older township and erect it as a new one, or to create one from a part of an older township which had already been recognized as a separate precinct. The former was the more direct method and was sometimes resorted to when any friction in town or church affairs was likely to make the precinct system impracticable. Several towns by this means skipped the precinct period.[6]

However normal and direct this immediate formation of a new town from the outskirts of an old settlement may seem, it was not the usual custom in the provincial period; and in the history of the "precinct", its origin, its nature,

[3]Buck, *Mass. Ecc. Law,* 151, refers to the organization of the church before the town as the custom of the country but this method was not sufficiently general in the early provincial period to warrant such a statement.

[4]Brookfield, 1698, 1702. *Mass. Prov. Laws,* VII, 197, ch. 37, 346, ch. 27.

[5]Biddeford, 1716, 1718. *Mass. Prov. Laws,* IX, 475, ch. 42; 626, ch. 98.

[6]Brookline, 1705. *Mass. Prov. Laws,* VIII, ch. 22; 145, ch. 73 *et alia;* Sunderland, 1718. *Mass. Prov. Laws,* IX, 621, ch. 88.

its relation to the parent town, can well be exhibited the application of the church-state system.[7]

The first settled towns of Massachusetts resembled small counties in their broad-lying boundaries, and the meeting house, which represented the political as well as the religious center of the community, was often many miles from those townsmen who had taken up with the more distant holdings. As time went on and population increased, it was natural for the outlying farms to form together in smaller groups which, as they increased in size, became more and more dissatisfied with their long distance from the towns' center and growingly eager to begin a new community life of their own. As there were often reasons why the formation of a new town was undesirable, the precinct system was initiated, and was fairly well established when the provincial government began.

[7]Considered as an ecclesiastical unit the precinct may be defined as a geographical division of a town the inhabitants of which were in ecclesiastical law the attendants at a single meeting house. Channing (*Town and County Government,* 36) follows Buck (*Mass. Ecc. Law,* 17-18). Because of the close relation between church and state this formation involved also a civil status for the precinct, of chief importance in the collection of taxes. For this purpose the precinct generally had its separate constable or collectors and a separate precinct meeting with its own moderator and business. It was therefore equivalent to a constablewick. *Mass. Prov. Laws,* VIII, 141, ch. 64. A separate school was usually supported by the new precinct which in this way became a second district. Channing, *Town and County Government,* 36. The precinct was in the third place a military unit, such a condition sometimes occurring within a town before a second ecclesiastical precinct had been formed. Baintree, 1707. *Mass. Archives,* XI, 241. Precinct and less often parish were the technical names for such a division of a town, the latter becoming later associated chiefly with its ecclesiastical functions, a meaning which it has brought down to the present day in a modified form. *Mass. Prov. Laws,* X, 288, ch. 5. The name *society* which was applied to the persons of a precinct in their corporate existence has continued in the organization of the older Congregational churches of New England to the present day. The religious body organized as the church relegates its non-religious functions to the corporate body known as the society which is made up of the enfranchised members of the parish and manages the finances of the church. *Mass. Prov. Laws,* VII, 246, ch. 19.

The order of events was somewhat in this wise. In a corner of some old township a group of farmers, who numbered some twenty growing families, wished to have a church of their own.[8] There might have been friction between them and the leading members of the congregation, or the roads to town were well nigh impassable, or a river was dangerous of fording in the winter time. A movement would accordingly be started in the "hamlet" to petition the town to agree that they might be set off as a separate precinct. If permission was secured without further trouble, the matter sometimes ended here, with the running of the boundary line between the old and new precincts and a mutual agreement with regard to the other matters, tho an order from the General Court must in the end be gained.[9]

It was far more usual for the parent town to be very loath to lose a large and flourishing section. The hamlet might not even apply to the town, quite aware of what the result would be, or upon application and refusal it would appeal to the General Court for interference in the matter. This petition, which came from the inhabitants of the district concerned, was usually referred to a committee made up of members of the court or inhabitants of neighboring towns,[10] whose recommendations were usually accepted. But often the town was informed of the application, especially if the petition had come direct from the hamlet without previous appearance in town meeting, and then the

[8]Cotton Mather, *Ratio Disciplinae,* 1-2, describes this same development from the point of view of church government. "A number of Christians," he writes, "either swarmed into a *New Plantation,* or finding the *Church,* to which they have belonged, grown to such Circumstances, that it may be for the general advantage to have a *New Church* formed in the Neighborhood, first settle their Number, and assure themselves that their Number is *Competent,* and *Resolved* for the Undertaking."

[9]*Mass. Prov. Laws,* IX, 447, ch. 147.

[10]West Springfield, 1696. *Mass. Prov. Laws,* VIII, 111, ch. 12. Of the committee here appointed Edward Taylor was minister of the church in Westfield, Samuel Partridge the representative from Hatfield in the General Court, Aaron Cooke from Hadley and Samuel Root from Westfield, the towns in Hampshire county nearest to the west precinct of Springfield.

two sides were given a hearing and long and elaborate negotiations followed. These struggles give a wonderfully clear picture of the ambitions and interests of rural Massachusetts in the early eighteenth century.[11] In the history of Springfield, for example, there appear during this period two particularly animated cases of attempts by outlying districts to gain precinct privileges. The inhabitants of the west side of the Connecticut river[12] applied for this degree of independence on the ground that bad roads were as nothing in comparison with the danger of crossing the stream at some seasons of the year. But as Springfield offered a dogged resistance to such curtailment, the matter was soon carried (1695) to the General Court, which summoned both parties and appointed an able committee to investigate the matter. While the inhabitants of the west side were assuring the town of their ability to support a separate minister and stating that "wee have not the least thought of separating from you, or becoming a Townshipe, deeming it contrary to our Interest, and an infringement of our priviledges soe to doe,"[13] Springfield was grimly replying that they were too few to attempt any such thing and that "to row a boat or paddle a canoe is no worse than to saddle and bridle a horse."[14] The committee of the General Court was favorable to the west side, and on December 4, 1696, the order was made for erecting West Springfield into a separate precinct. Even more determined did Springfield prove in her relation to the district of Longmeadow[15] which had found the town so obdurate that after numerous attempts in town meeting covering the years between 1703 and 1706 she finally petitioned the

[11]The case of Watertown between 1692 and 1707 is typical. *Mass. Archives,* XI, 63, 64, 73, 86-87, 75, 85, 81; *Mass. Prov. Laws,* VII, 55, ch. 20 *et passim; Cal. of St. Papers, Col. Series, Am. and the W. I., 1700,* 241, 246.

[12]*Mass. Archives,* XI, 109, 107, 112, 114, 118, 130; *Mass Prov. Laws,* VII, 77, ch. 9; 111, ch. 12; 127, ch. 45.

[13]*Mass. Archives,* XI, 110, 12 May, 1696.

[14]*Ibid.,* XI, 114.

[15]*Ibid.,* XI, 215-217; *Mass. Prov. Laws,* VIII, 198, ch. 91; 233, ch. 13.

General Court for assistance. In this appeal was the statement that "wee have constantly paid our Dues towards maintainance of the Towne Minister & have for the Greatest part of these three years past upon our owne Charge hiered & provided a minister amongst ourselves & must without Releived be forced to do the same for the future except releefe be Granted."[16] In spite of Springfield's plea that she could not afford such a condition, now that the west side of the river had been cut off, and that she had placed the meeting house with the express purpose of accommodating Longmeadow, the court was not slow in granting the request, and within eight months after the date of the petition Longmeadow was made a separate precinct.[17]

Between 1692 and 1728 some twenty new precincts were formed in this way by order of the General Court. In the customary resistance on the part of the town economic factors played an important part. In locating the final dividing line therefore, it was not unusual to bear in mind where lay the best land for cultivation and to make the division accordingly.[18]

The orders issued by the General Court for the establishment of new precincts were usually accompanied by regulations of the relation between the two parts of the town thus divided, these more or less elaborate as the case might require. They regulated the financial method by which the new meeting house should be built and both maintained, the way in which the two ministers should be supported, and the disposal of the ministry land. Normally the new precinct would be excused from any further payment toward the repair or rebuilding of the old meeting house or the support of the minister, as it was now responsible for its own. Normally also it must relinquish its right to the parsonage lot of the original town and procure one for its future minister within its own boun-

[16] *Mass. Archives,* XI, 215, 18 Oct., 1706.

[17] *Ibid.,* XI, 215.

[18] Plymouth, 1695. *Mass. Archives,* XI, 92-100; Scituate, 1700. *Ibid.,* XI, 144, 145, 156, 159.

daries. But the exceptions to this simple arrangement were numerous, caused by earlier town agreements or by special conditions in the township.[19] The complicated affairs of Sudbury between 1714 and 1722[20] introduced a custom of allowing a town as a whole to support its two precinct churches.[21] This possibility of a general assessment to be divided between two or more societies was recognized in several petitions submitted to the General Court[22] and became increasingly popular.

On some occasions a first precinct continued to levy ministerial rates on the inhabitants of a new one after a court order had gone into effect, especially if the new precinct had been allowed conditionally, the old parish maintaining that the conditions had not been fulfilled.[23] If there had been special agreement with a minister at his settlement into which the whole town had entered in a peculiar way, the formation of a new precinct did not free its inhabitants from their obligation during his lifetime. But if the court deemed that taxes were being levied unjustly by the old upon the new precinct, it was ordered to desist.[24]

Most serious of all matters regulated when a new precinct was formed was likely to be the settlement of the proprietorship of the ministry land.[25] In addition to the "settlement" which a town voted its minister, and which in the early days was in land, later commuted to money,

[19]Chelmsford, 1724. *Mass. Prov. Laws,* X, 516, ch. 238.

[20]*Ibid.,* IX, 350, ch. 6; 374, ch. 83; 451, ch. 155; X, 80, ch. 4; 134, ch. 87; 166, ch. 23; 179, ch. 62; 224, ch. 188; 225, ch. 191.

[21]*Ibid.,* X, 225, ch. 191.

[22]Eastham, 1722. *Ibid.,* X, 173, ch. 43; Marblehead, 1715. *Ibid.,* IX, 426, ch. 107. The religious situation in southeastern Massachusetts resulted in a similar arrangement for Rehoboth because of the presence of many Baptists in one of the precincts. *Mass. Archives,* XI, 387; *Mass. Prov. Laws,* IX, 165, ch. 138; 241, ch. 27.

[23]Salem, 1712. *Mass. Prov. Laws,* IX, 258, ch. 82; 261, ch. 93.

[24]Lynn, 1718/19. *Ibid.,* IX, 640, ch. 131.

[25]Springfield and West Springfield, 1695-1705. *Mass. Archives,* XI, 128, 170, 177, 180, 181, 182, 196; *Mass. Prov. Laws,* VII, 349, ch. 33, 369, ch. 6; VIII, 120, ch. 10.

there were always the ministry or parsonage lands, generally including the "ministry house" or parsonage, which could be held by the minister only during his pastorate. Since this holding was more than likely to be in separate parcels in order to include the various kinds of land, such as wood lot, pasture and tilled land, the inevitable result was that if some of it fell within the borders of the new precinct, trouble ensued. On such an occasion the General Court would settle the affair with a compromise.

In arranging the boundaries between two precincts the General Court was often involved in intricate problems respecting certain farms which had expressed a definite preference for one precinct or the other. When these were adjacent to the boundary line there was little difficulty in arranging a survey which would place them in the section which they preferred. If, on the other hand, such farms lay well within the precinct limits, special exceptions for their convenience were included in the precinct order or in a later resolve, with explicit directions regarding the payment of taxes.[26]

In many cases these separate farms found themselves applying for transference not merely from one precinct to another but to a neighboring town which had set a meeting house much nearer them than was their own parish center. Even then the court might grant the request.[27] Between two of the Cape Cod towns an unusual situation of this kind appeared. For several years previous to 1719 a number of families living on the eastern side of Harwich and bordering on Eastham had been attending the Eastham meeting house and had become members of the church, while all the time taxed to Harwich and giving nothing to Eastham, for the people of the latter place were "so kind as to allow them the Benefit of the Meeting House without paying support." In 1719, however, there was

[26]Plymouth, 1695. *Mass. Archives,* XI, 97-98, 100; Weymouth, 1722, *Mass. Prov. Laws,* X, 220, ch. 175; Salem, 1719, *ibid.,* IX, 687, ch. 94; *Ipswich,* 1715-20, *ibid.,* IX and X, *passim.*

[27]Dorchester, 1721/22. *Mass. Prov. Laws,* X, 132, ch. 82, 468, ch. 102, 500, ch. 197.

built in the southern part of Eastham and only two miles from the Harwich farmers a meeting house which they would naturally attend; and they now considered it unreasonable to accept such a favor from Eastham as formerly, especially as Eastham now had the expense of two meeting houses. As it would be unjust to be obliged to pay their proportion towards support of worship in Harwich when they received no benefit from it, and yet pay their part of the charge at Eastham, they approached the town of Harwich to allow them to be cut off to Eastham. This was refused and the General Court, after considering the matter, produced a compromise measure whereby "the region was to be annexed to Eastham in all things relating to the public worship of God, but in all other respects to belong to the town of Harwich as formerly."[28]

Even when a court order had been obtained, a difficulty might occur if a group of farms which had been "set off" to another town did not succeed in asserting its rights. In 1715 six farmers of Newton, who two years before had been joined to Roxbury in ecclesiastical affairs, brought the assembly's attention to the fact that they were being rated to Newton, and some imprisoned for nonpayment. The court finally interfered with a resolve in their favor.[29]

In the absence of special legislation it was not expected that a man would frequent a meeting house outside of his own precinct or town. He would inevitably be taxed to the ministry in the precinct in which he lived and was then likely to find himself rated in the other as well, unless the latter was of a very generous spirit.[30]

[28] *Mass. Prov. Laws,* IX, 621, ch. 8; 678, ch. 73.

[29] *Ibid.,* IX, 289, ch. 16; 418, ch. 87; X, 230, ch. 205.

[30] There was also some question whether a communicant who belonged within the limits of some other town or precinct and hence paid no ministerial tax for the benefit of his own church should have power to vote in calling a minister. The matter came up for decision in 1735 and was decided in the negative when the House of Representatives resolved "that no person in communion with any church and dwelling without the limits of the town or precinct to which such church belongs, and by which town or precinct cannot be rated or taxed for the support of their minis-

The foregoing statements have shown how the Massachusetts system of taxation for ministerial support was applied in the formation of towns from unorganized plantations, or of new precincts from old townships. With the last transformation, that of the precinct into the full fledged town, we reach the final step and here may best study the actual application of the laws of 1692, 1693, and 1695, which were the basis of the ecclesiastical system in the provincial period. The town must be provided with an "able, learned orthodox minister" who, according to the law of 1693, must be chosen by the church with the concurrence of the town, "all the inhabitants, and ratable estates lying within" the precinct to pay proportionally for his maintenance. This maintenance was based on three things, the ministry land which every town must put aside for the church and of which each minister had the use during his ministry; the "settlement", at first an additional piece of land to be made over directly to the settled minister and to remain in his family, later commuted to a money payment;[31] and finally the salary.[32] Settlement and salary were matters which required much consideration whenever a new minister was obtained, but the law had secured its requirements by stating that if a town neglected its duty in regard to maintenance of the ministry, the court of quarter sessions, upon complaint, should impose fines

ter, hath, nor ever had nor ought to have any vote or power of acting in inviting, calling, supporting, continuing or separating from such minister, or any other affair that may affect the interest or charge of any town or precinct." *Mass. Prov. Laws,* I, 108.

[31]"Now they proceed into a *Salary,* to be offered unto the *Minister,* whom they have chosen. [To which there is usually added somewhat also, which they call, *A settlement,* in order to some Subsistence of his Family, in case he dy among them." C. Mather, *Ratio Disciplinae,* 19.

[32]In creating a township in 1717 the proviso which the General Court included in the order ran,—"provided they have there at least forty families settled there with an orthodox Minister within the space of three years, and that a Lott and other accommodations as large and convenient as may be the Place will admit of in the Judgment of said committee be laid out to the first settled Minister, Also a Lott for the Ministry and an other for the Use of the School." *Mass. Prov. Laws,* IX, 548, ch. 79.

upon and even imprison those officials who failed to carry out their duties. The law of 1695 included a ministerial council for the enforcement of the law for choosing a minister,—for the case had arisen of a town's failing to approve of a church's choice,—and the council was to act much in the capacity of arbiter. Yet, over all the General Court remained the final appeal from both county court and ecclesiastical council, and by holding the purse strings of the province treasury could exert an effective influence in carrying out her own commands.

There are several records of special permits in regard to ministry land,[33] but on the whole the General Court was called upon less often to arrange matters regarding this than either settlement or salary.

The settlement was a variable quantity, large in the first instances and in the poorer towns, where land could be more easily secured than money, and growing smaller as time went on and the salary grew more definitely fixed. In 1723 the proprietors of the Indian town of Natick asked that they might be empowered to give to Mr. Oliver Peabody, upon his settling among them in the work of the ministry, a lot, or lots, containing one hundred acres of land and meadow and to make him a commoner or proprietor in such plantation, "they being uncapable of giving any other encouragement."[34] Money settlements were later introduced, and these could be raised either by subscription or by a rate.[35]

On the whole the question of settlement was a town matter, but in arranging for the call of a minister and his salary the courts of general sessions were on the alert and the provincial assembly was ready to support them. While Malden between 1705 and 1708, just after the death of a pastor, "wth all manner of Application Endeavoured a New Settlemt of the Ministry among them, and [had] given an Invitation to Several worthy Gentlemen to Preach

[33]Suffield, 1703. *Mass. Prov. Laws,* VII, 370, ch. 11; VIII, 17, ch. 24.
[34]*Ibid.,* X, 249, ch. 264.
[35]*Ibid.,* VIII, 779.

wth them for a Taste of their Gifts in Order to a further proceedure," the town found itself under presentment for being destitute of a minister and was immediately supplied by the court of quarter sessions for Middlesex county. But as the town had just taken steps to call another man it was obliged to appeal to the General Court to approve the minister of its own choice rather than the protegé of the justices.[36] This same year saw a part of the long struggle between the town of Medford and the Middlesex justices who had interfered some time before, charging Medford with being destitute of a minister, as they did not recognize the questionable incumbent, Mr. Woodbridge. Ecclesiastical councils and many court sittings failed to settle the matter, so it finally reached the provincial assembly. The investigating committee appointed reported that they were of the opinion that "their wound is Incurable and that it is necessary that the Reverend Mr. Benja Woodbridge and the town of Medford be parted; according to the Advice of the Council of Churches there, July 10th 1705. and the Orders of Quarter Sessions of Middlesex." Upon his removal the town was ordered to pay him forty pounds and "the Nine Sabbaths Contribution now in the hands of Mr. John Whitmore." It was also directed to procure speedily and settle another minister "And this Court do Advise mr Woodbridge by no means to discourage the Coming and Settlement of another Minister among them."[37]

It was not usually these older towns of the province, where orthodox Congregationalism was strongest and the order of church government best developed, that called for interference; it was rather those outlying districts where external causes created a different type of community existence. This was the situation in the many frontier towns of Hampshire and Worcester counties, of the New

[36] *Mass. Archives,* XI, 276; *Mass. Prov. Laws,* IX, 30, ch. 74.

[37] *Mass. Prov. Laws,* VIII, 253, ch. 84, 28 Nov., 1707; IX, 19, ch. 41, 30 June, 1708; VIII, 776-793. Another famous example of the supervision of the authorities over the settlement of ministers appears in the history of Watertown in 1722. *Mass. Prov. Laws,* X, 196, ch. 99; 221, ch. 176.

Hampshire border and along the Maine coast. Yet many of these towns were planned on lines which showed an effort to conform to standing rules in ecclesiastical matters and were merely prevented by the exigencies of the situation. Very different was the atmosphere in the unorthodox towns of the old Plymouth Colony whose early history has already been described. With these two types of towns the justices of the peace and the lawmakers of the province had the closest connection in the affairs of church and state.

If a plantation or town was a recognized garrison, it was natural that the selection of a chaplain should go with the other military appointments and that the public treasury should pay him. A chaplain would then act as minister of the town about the garrison and in time of peace might continue there. Other frontier towns, which had not been made garrisons but had found themselves destitute by reason of war or the desertion of settlers, prayed the provincial assembly for financial assistance in the support of their ministers or that the court would procure and send some to them.[38]

The Maine frontier was an early and successful beggar. In 1693 the court, in answer to a petition from Samuel Wheelwright, representative of York and Wells in the assembly, appointed chaplains for the garrisons at those outposts and ordered fifty shillings a month for their pay out of the province treasury, "over and above what shall be allowed them by the inhabitants."[39] Not long after, the upper part of Kittery, later known as Berwick, encouraged by the success of York and Wells, sent in a similar appeal, and received ten pounds out of the province treasury.[40] From this time until 1712, when special

[38]The address of Governor Bellomont to the Council and Assembly in May, 1700, included this exhortation: "I recommend to your care the ministers in the remote parts of the Province who have narrow stipends." *Cal. of St. Papers, Col. Series, Am. and the W. I., 1700,* 485.

[39]*Mass. Prov. Laws,* VII, 34, ch. 10.

[40]*Ibid.,* VII, 88, ch. 43.

orders of this kind for Wells, York and Berwick ceased, something over two hundred pounds was in this way voted outright for the support of the ministry in these three towns, part of which was for the building of meeting houses.[41] Soon after Wells, York and Berwick were on their feet and no longer needing public aid, the far eastward settlement of Winter Harbor began to receive assistance. Between 1717 and 1725 more than two hundred pounds were voted for the support of the ministry at this garrison and settlement which in 1718 was made the town of Biddeford and after 1723 shared its minister with the neighboring Arundel, the "Gentleman that performs the Said Service to preach on the Lords Day alternately . . . If the Weather will permit."[42] During the last years of payments to Biddeford and Arundel, the town of Scarborough received sixty pounds on account of the low circumstances to which it had been reduced by the Indian wars,[43] while ninety pounds went to Falmouth on Casco Bay.[44]

Among the newer frontier towns, lying along the New Hampshire border and in Worcester County, Dunstable, Lancaster and Brookfield were the most favored. The year 1696 saw thirty pounds voted towards the maintenance of a minister at the garrison at Dunstable and twenty pounds were paid in the following year.[45] At the close of the war the town was loath to lose public assistance, and the inhabitants, the selectmen, the town's representative in Boston, and the minister himself sent in a constant stream of petitions to the court between 1698 and 1714 which resulted in twelve separate grants, varying from ten to twenty-six pounds, and becoming after 1709 practically

[41] *Mass. Prov. Laws,* VII, 160, ch. 28; 202, ch. 53; 304, ch. 49; 222, ch. 19; 247, ch. 22; 252, ch. 41; 304, ch. 49; 341, ch. 16; VIII, 36, ch. 77, 78; 69, ch. 14; IX, 213, ch. 120; 241, ch. 26.

[42] *Ibid.,* IX, 395, ch. 25; 537, ch. 45; 589, ch. 1; 626, ch. 98; X, 9, ch. 10; 80, ch. 3; 199, ch. 109; 303, ch. 36; 448, ch. 45; 558, ch. 368; 592, ch. 43.

[43] *Ibid.,* X, 377, ch. 275; 378, ch. 279; 462, ch. 84; 599, ch. 63.

[44] *Ibid.,* X, 172, ch. 41; 725, ch. 422.

[45] *Ibid.,* VII, 113, ch. 17; 168, ch. 49.

a regular payment of twenty pounds per annum.[46] The death of the Rev. John Whiting in the attack on Lancaster, September 11, 1697, with the subsequent difficulty which the inhabitants felt they would have in persuading anyone to settle with them, resulted in the first petition for aid sent by this town, and the response of twenty pounds from the province treasury.[47] In 1704 forty pounds were allowed for building a meeting house.[48] Brookfield, lying far to the westward on the Connecticut trail, was maintained as a garrison many years before its estate warranted township privileges and received many grants for the ministry between 1698 and 1714, the total reaching over two hundred pounds.[49]

On the western frontier the two river towns lying well to the northward and hence open to the Indian incursions which followed down the Connecticut, were for several years pensioners of the public treasury. Deerfield, as a garrison, was paid ten pounds in 1696[50] and double that sum in 1703.[51] In the year following the Deerfield massacre, when John Williams was carried into captivity, the court resolved to send a chaplain to the town to serve in his place, and voted him twenty pounds for six months' service, repeating the order in the following year.[52] With the return of Williams the grants were not suspended, and over one hundred pounds were in five years voted to defray his expenses, the individual amounts varying from ten to forty pounds.[53] Northfield, where settlement was hindered by the progress of the war, received her

[46] *Mass. Prov. Laws,* VII, 197, ch. 36; 311, ch. 68; VIII, 41, ch. 90; 126, ch. 29; 259, ch. 101; IX, 36, ch. 89; 86, ch. 90; 121, ch. 7; 146, ch. 83; 366, ch. 64.

[47] *Ibid.,* VII, 168, ch. 47.

[48] *Ibid.,* VIII, 99, ch. 96.

[49] *Ibid.,* VII, 197, ch. 37; 346, ch. 27; VIII, 34, ch. 74; 143, ch. 69; 201, ch. 100; 246, ch. 55; IX, 38, ch. 100; 252, ch. 65; 303, ch. 62; 377, ch. 96.

[50] *Ibid.,* VII, 113, ch. 16.

[51] *Ibid.,* VIII, 35, ch. 75.

[52] *Ibid.,* VIII, 84, ch. 55; 143, ch. 68.

[53] *Ibid.,* VIII, 209, ch. 126; 242, ch. 43; IX, 38, ch. 98; 148, ch. 93; 238, ch. 13; 252, ch. 63.

first instalment of public funds as late as 1718, when the sum of forty pounds was voted for the support of the minister, and an additional thirty pounds in 1724.[54] Various other grants were made in a similar manner to frontier villages and Indian settlements during the first thirty years under the province charter. Among such may be mentioned Stow, Leicester and Tisbury on Martha's Vineyard.[55]

So long as the recipient of these money payments was simply a chaplain at a garrison there was nothing unusual in this method of appointing and maintaining him, but since, even when chaplain, he was also considered the minister of the small community grouped around the fort and was often retained when the immediate necessity for a garrison had ceased, his position in relation to the church is interesting. Between 1693 and 1725 almost sixteen hundred pounds, varying in amounts from ten to fifty pounds, were in this way voted by the Massachusetts General Court to the maintenance of the ministry or the building of meeting houses in frontier communities. The direct method of appropriating money was the one most often used, but on various occasions certain indirect means were adopted. The amount of the province tax was reduced with the understanding that town rates for the support of the minister could then be assessed and collected, or the whole amount was ordered to be turned back to the constables for the use of the ministry. Occasionally some special means of taxation was allowed which would bring in more money than the normal method would have procured.[56] This was likely to bear heaviest on non-resi-

[54] *Mass. Prov. Laws*, IX, 604, ch. 38; X, 533, ch. 287. A much earlier grant was made in 1701 of fifteen pounds for the payment of a garrison chaplain who had served at Northfield in the time of Sir Edmund Andros. *Ibid.*, VII, 303, ch. 46.

[55] *Ibid.*, VII, 173, ch. 60, 17 Dec., 1697; X. 699, ch. 341, 8 Dec., 1725; VII, 293, ch. 23, 26 June, 1701; IX, 533, ch. 33, 18 June, 1717; 597, ch. 22, 18 June, 1718; VIII, 118, ch. 5, 8 June, 1705.

[56] In 1700 Wrentham secured the remitting of 20 pounds of her province rate of 1696. *Ibid.*, VII, 633. In 1703 the province treasurer was

dent proprietors.[57] In 1720 the House of Representatives excused three towns for failing to send representatives to Boston,—Needham, and Brookfield, because of the charge they were under in building meeting houses, and Manchester because it was settling a minister.[58]

This rigorous paternalism in the enforcement of ecclesiastical law was not limited, as has been observed, to the frontier communities of the province, tho it was most often exercised there. For them the General Court was merely continuing a policy adopted in the colonial period and explicable on the ground that as religious worship was deemed essential to the good morals of a town or plantation, and hence of the province as a whole, it was a pious duty to appropriate funds for the support of religious worship where poverty or meager population made an independent maintenance difficult. After 1691 a new and curious problem presented itself, the cause and nature of which have already been discussed. In dealing with the "unorthodox" communities of Barnstable and Bristol counties the Massachusetts General Court assumed a new and very different position from that which she had held in managing her frontier posts. In the enforcement of ecclesiastical law in Swansea, Freetown and Attleboro, Dartmouth, Tiverton and Little Compton, Sandwich and Falmouth she became preeminently the dictator of orthodoxy, in two of these towns using her powers to displace a religious organization which represented the almost unanimous opinion of the inhabitants.

directed to order Wells and York to pay their minister the sums of 15 and 10 pounds respectively of the province rate last levied on those towns. *Mass Prov. Laws,* VIII, 36, ch. 77, 78.

[57]In 1724 permission was given Rutland to tax her unimproved land towards the support of the ministry. *Ibid.,* X, 532, ch. 284. Similar orders were issued for Enfield, Hopkinton and Scarborough. *Ibid.,* X, 479, ch. 136; 450, ch. 51; 378, ch. 279. The taxing of non-resident proprietors had been resorted to in the colonial period. *Mass. Archives,* XI, 13-14. Worcester and Oxford came under this ruling in 1716 and 1718. *Mass. Prov. Laws,* X, 318, ch. 82.

[58]*House Journal, 1720,* 3.

In 1692, when the assembly began to put once more into legislation the old ecclesiastical system, it was facing but two groups of dissenting interests in the rural towns. Of these the Baptists had but one strongly organized body and the Quakers were limited to certain definite sections of territory. On Cape Ann, that region of the old Bay Colony where heretical opinions best flourished and Quakerism found a ready acceptance, this element never reached sufficient prominence in any town to cause the interference of the General Court. Though there was always difficulty at Salem and Lynn in collecting from the Quakers the ministerial assessments,[59] they were never in sufficient numbers to block legislation, and no towns in Essex county ever suffered presentment for lack of a minister.[60]

In the newly acquired section of territory, embracing Plymouth, Barnstable, and Bristol counties, the vicinity of Plymouth presented a similar state of affairs.[61] On Cape Cod[62] the difficulties were greater as the Quakers were here more numerous, tho not usually in the majority. At Sandwich and Falmouth they resisted the collectors for many years and were regularly distrained of their goods in accordance with the law.[63] When in 1707 the general sessions of Barnstable county discovered that these two towns were "defective with respect to the ministry," they gave orders according to the law of 1706, but enforcement was difficult. When the matter reached the General Court, this body voted twenty pounds from the province treasury for the ministry at Falmouth,[64] by this act setting a precedent for future years. The year 1713 saw the sum of forty pounds held out as an inducement to the building of a

[59] *Salem Mo. M., passim.*

[60] *Essex Sessions.*

[61] *Pembroke Mo. M., passim.*

[62] The records of the court of general sessions of the peace for the county of Barnstable are not in existence.

[63] *Sandwich Mo., M., passim.*

[64] *Mass. Archives,* XI, 256, 257.

meeting house.[65] On later occasions the General Court was forced to come to the assistance of Joseph Metcalf, the minister,[66] when he complained of the depreciation of the paper currency, of which the town refused to take account when paying his salary.[67] In 1714 and 1717 he was allowed forty pounds from the province treasury, but finally, in 1719, his case was turned over to "the Committee, that receiv'd the Charity of this Province Collected the Last Year, upon a Brief Issued by this Government for the Propagating of the Gospel."[68]

If in Barnstable county Massachusetts had a suggestion of the problems which could be created by elements unfriendly to her system, in Bristol the difficulty was many times magnified. At Swansea the enforcement of ecclesiastical law was thwarted by a firmly organized Baptist society; at Dartmouth was the most vigorous Quaker meeting of the province, always supported by the Baptists in its borders; at Tiverton was a smaller Quaker community; while Attleboro, Freetown, and Little Compton were towns of mixed type, harboring various sects and sympathizing keenly with Rhode Island in her ideas of religious liberty. In this region also a further element of resistance

[65] *Mass Prov. Laws,* IX, 292, ch. 27.

[66] Metcalf was the author of a work on "enforced maintenance" in which he argues strongly in favor of the system. The work has not survived but can be followed closely in the reply to it by the Quaker, Thomas Chalkley. Chalkley, *Answer to Metcalf.*

[67] This difficulty regarding paper money which many other ministers soon encountered became so acute by 1724 that the General Court was obliged to consider the matter. The report of a committee from this body recommended that a law be made to compel every parish to make up to its minister an amount equal to the difference, the county court to determine how much the currency had depreciated. While this report did not become law, a resolve was passed recommending it to every town and precinct, this resolve to be read in every congregation on the next Lord's day and in the parish meetings of the following March. *Mass. Prov. Laws,* X, 563, ch. 385.

[68] *Mass Prov. Laws,* IX, 673, ch. 56. The organization of this fund seems to be the cause for the cessation of grants from the public treasury to the ministry throughout the province. Freetown was voted its benefaction in the same year. *House Journal, 1719,* 1.

to the Massachusetts state church appeared in the first decade of the eighteenth century when the missionaries of the Society for the Propagation of the Gospel met some success in the Rhode Island border towns.[69] Here they left behind them a number of groups which had announced their allegiance to the Church of England. On this basis these proceeded to resist the ecclesiastical laws of the province but seldom united in this purpose with the Baptist and Quaker societies.

The first attack made by the court of general sessions of Bristol county in accordance with the laws of 1692 and 1693 was upon Swansea, whose only meeting was the Baptist church now thirty years old. To enforce upon it the Congregational ministry and public taxation for its support was to upset the whole system. When presented for not having a minister according to law, Swansea in town meeting proceeded to approve the Baptist preacher as her minister.[70] The law had not made it plain how the justices were to proceed in such a case, and the matter was dropped for the time being.

In 1698 Bristol sessions began to deal vigorously with all the defective towns within its jurisdiction, and continued its efforts for a period of thirty years. But so clearly defined was the type of community which it had to master and so determined was the opposition to its authority, that the attempt resulted only in a series of compromises, many of which foreshadowed the coming exemption laws. In all these years it was never possible to enforce the law in this section of Massachusetts.

[69]"As to the Case of ye Church of Tivertone Swanzey ffreeton and little Compton in ye whole of these I believe there may be betwixt 2 or 300 people that are Church people & are resolved never to have any other Minister but a Church Minister unless the Government of ye Collony of Massachusetts under whose Government they are) force and independant upon them, wch they have done in ffreetown already, & will in the rest if their is not a Missionary Sent to take possession of that Church built in Tivertone." Stewart to Nicholson, 12 Feb. 1719/20, *S. P. G. Letters,* A XIV, 162.

[70]Bicknell, *Barrington,* 133, 179, 201.

In 1698 failure to procure a minister was reported by the grand inquest for Swansea, Dartmouth, Tiverton, Freetown and Attleboro, while most of this group with Rehoboth and Little Compton lacked school masters.[71] The selectmen of these towns summoned to Bristol had various reports to submit. Swansea, as previously stated, sent word that she was provided, but the statement was for a time not accepted, and she was ordered to procure a minister immediately.[72] By April of 1699, however, the justices had been informed of the exact situation in Swansea and agreed not to interfere with the ministry of Samuel Luther.[73] As a matter of fact the Baptist church of Swansea, by standing for principles so liberal that it was able to include the Congregationalists in the region, long saved the town from an effective attack by the general sessions. Not until it was remolded upon a more extreme Baptist form did the Congregationalists of Swansea become dissatisfied. The result of this dissatisfaction was a petition to the general sessions in 1707 asking the assistance of the justices in procuring an orthodox minister. The selectmen of Swansea who were summoned at this time reminded the general sessions of the long continued recognition by that body of their minister, and after postponement and much discussion a compromise was agreed upon.[74] While it was decided that orthodoxy must be introduced into Swansea and a sum assessed upon the town for the support of the ministry, it was agreed that the work of Luther ought to be recognized. Accordingly it was voted that half of the yearly assessment should be settled on him, the rest to go to the minister of the standing order.[75] But no very satisfactory arrangement was discoverd[76] until

[71] *Bristol Sessions,* I, 13.

[72] *Ibid.,* I, 15.

[73] *Ibid.,* I, 17, 19.

[74] *Ibid.,* I, 121, 129; Bicknell, *Barrington,* 139-141.

[75] *Bristol Sessions,* I, 133.

[76] The result of the negotiations was the coming of John Fisk to Swansea in the office of Congregational minister, but so bitter was the feeling between the two sects in the town that trouble continued. One of

the town was divided, the Congregationalists forming the new parish.[77] After the death of Luther there was a momentary difficulty as Swansea's dispensation had related to him only. The matter was settled by a vote of the general sessions in 1719 to accept his successor as minister of the town, and the selectmen, who had been summoned to state the case, were dismissed.[78]

The affairs of Dartmouth and Tiverton during this same period represent the methods employed by the government in handling well defined Quaker communities. In Dartmouth the people were almost universally Quaker, the Congregational and Baptist societies being very small; in Tiverton, while the majority supported Quaker teaching, there were among the inhabitants many who shared the general characteristics of the eastern border of the bay. With their freedom in theological opinion which often kept them from allying themselves with any sect, there was a certain volatility in their make-up which occasionally carried them into some religious body and out again in a brief time. The S. P. G. in dealing with them met constant disappointment for it was long in learning that a crowded service here meant little real allegiance. These people were no less trying to the Quakers than to the Anglican and Congregational churches.

The general sessions of October, 1698, which had attacked Swansea, took up the cases of both Dartmouth and

the means taken by the Baptist selectmen to rid the town of Fisk was to issue a warrant to the constable "Requiring him in her Majties Name to warn John Fisk to depart the Town in fourteen days time &c." *C. O. 5, 865.* The constable, knowing that Fisk belonged in none of the classes of undesirable persons included under the law of ejectment, appealed to the quarter sessions for advice. The latter discharged him from the duty of serving the warrant, summoned the selectmen and admonished them for this "Illegal & unpresidential" conduct. *Bristol Sessions,* II, 150, 151, 155; Dudley to the Board of Trade, 1 Mar., 1708/9, *C. O. 5, 913,* 114, 115; "Memorial of the ministers in Bristol County to the General Assembly," Oct. 1711, *Mass. Archives,* XI, 385.

[77] *Mass. Prov. Laws,* IX, 180, ch. 22; 201, ch. 78; 249, ch. 50; 548, ch. 78; 563, ch. 114.

[78] *Bristol Sessions,* III A, 59, 61; Backus, *Baptists,* I, 499.

Tiverton. Dartmouth, like Swansea, stated that she was provided with ministers already, naming two Quaker preachers of the town. Neither this nor Tiverton's answer was accepted, and both towns were ordered to supply themselves before the winter sessions.[79]

For some time the relation between the court of general sessions and the towns of Dartmouth and Tiverton was little changed. Over and over they suffered presentment and repeatedly sent answer that they were properly supplied in the persons of the Quakers whom they named, basing their argument on the fact that nowhere in the law was it stated what was meant by orthodox.[80]

This state of affairs continued until the autumn of 1703.[81] Bristol court then became exasperated and took a step which was significant. Relying upon the right which a recent law (1702) had given her to appoint special assessors, the court of general sessions decided to enforce the law of 1692 which gave her the power of appointing ministers to negligent towns. It was agreed that eighty pounds per annum be levied on Dartmouth and fifty on Tiverton for the support of ministers whom she should appoint. Not knowing suitable persons for these missions the court ordered that a letter be written to the president and fellows of Harvard College and Mr. William Brattle of Cambridge for their advice.[82]

Tho going so far as to take these measures the justices now allowed the matter to slide[83] until April of 1706 when they renewed their application to authority, includ-

[79]*Bristol Sessions*, I, 15.

[80]*Ibid.*, I, 17, 19, 21. In January 1702 the selectmen of Tiverton presented to Bristol sessions a paper pleading for "a Liberty of Conscience in the Exercise of Religion as a Priviledge granted by their Majestyes Charter and Recipting Several Passages out of the Province laws. Referring to the Priviledges of Churches in the Quallifications choise and Settlement of ministers." *Ibid.*, I, 38.

[81]*Ibid.*, II, 20, 23, 47.

[82]*Ibid.*, II, 47.

[83]*Ibid.*, II, 93.

ing now the Boston ministers.[84] Their next meeting dispatched two of its members to Dartmouth and Tiverton to enquire for a place with some family where a minister might be entertained,[85] and upon receiving a most pessimistic report once more agreed to state the situation in Boston.[86]

The episode was at least making an impression on the ministerial circle in the capital town tho progress with effective measures was slow.[87] Once more it was hoped that results might be gained by further legislation, and the act of November, 1706, now passed, went much further than any previous laws had done. The failure of Bristol sessions in dealing with her troublesome towns was to be obviated by bringing the General Court itself into the situation. After making the necessary orders on a delinquent town and failing with results, the court of general sessions was now ordered to make report of its proceedings at the next session of the General Court, and the latter was not only to supply a minister to such town but was also to provide for his support by a sum added to the town's province tax. By concealing this amount within the country rate the General Court expected to gain its purpose in towns which had never failed to remit their assessments. Bristol sessions in the following year gave Dartmouth and Tiverton one more chance, but when they still neglected her orders,[88] immediately agreed to carry the matter to the General Court.[89]

A complete report of the contest between Bristol

[84] *Bristol Sessions,* II, 98; *Mass. Archives,* XI, 231; Potter, *First Cong. Soc. of New Bedford,* 101.

[85] *Bristol Sessions,* II, 104.

[86] *Ibid.,* II, 107.

[87] Increase Mather, in his *Maintenance Due to those That Preach the Gospel,* Boston, 1706, p. 57, writes,—"It is a doleful thing, that there should be Towns in *New-England,* able to Support the Preaching of the Gospel, and yet not one man found therein willing to give Entertainment to a Minister of Christ."

[88] *Bristol Sessions,* II, 113.

[89] *Ibid.,* II, 116; *Mass. Archives,* XI, 231; Potter, *First Cong. Soc. of New Bedford,* App. A, 102.

sessions and the towns of Dartmouth and Tiverton, with an elaborate petition, was now submitted to the assembly. An appeal was made by the latter to the fellows of the college,[90] and before another year had gone by a minister had been sent to each town, Joseph Marsh[91] to Tiverton and Samuel Hunt[92] to Dartmouth.[93] Their regular appointments were made in the court session of the following summer when their salaries were voted with the understanding that the sums were to be added to the province rates of the towns.[94] The opposition raised by Dartmouth and Tiverton upon their discovery of what had occurred was one of the first and most important steps taken by the New England Quakers in their struggle against the Massachusetts ecclesiastical laws. In spite of petitions from a Dartmouth town meeting[95] and the Dartmouth Monthly Meeting of the Friends[96] the matter was pushed forward by the authorities. Within a short time both towns were in arrears of taxes and their assessors in gaol at Bristol.[97]

Succeeding events in both Dartmouth and Tiverton show how the General Court was forced to compromise in spite of her legislation of 1706. Samuel Hunt whom the court had sent to Dartmouth proved to be a man of unusual breadth in his relation to the town. He refused to have

[90]Potter, *First Cong. Soc. of New Bedford,* App. A, 100; *Mass. Archives,* XI, 230-231,contains the original papers.

[91]*Mass Archives,* XI, 320.

[92]*Old Dartmouth Hist. Soc. Colls.,* No. 3, p. 9.

[93]Potter, *First Cong. Soc. of New Bedford,* 17, note. Bristol sessions, tho now relieved of responsibility, continued to interest itself in the delinquent towns. It was Tiverton which reminded the court "that the Case Reffering to a mister was laid before the great and generall Court and therefore thought it hard measure to be presented & sent for from Court to Court." The general sessions saw the justice of this plea and decided that the "prsons & Case by dismist till the mind of the sd great and generall Assembly be ffurther known." The same was decided in the case of Dartmouth. *Bristol Sessions,* II, 128.

[94]*Mass. Prov. Laws,* IX, 9, ch. 8; II, 269; IX, 17, ch. 36.

[95]Potter, *First Cong Soc. of New Bedford,* App. A, 104.

[96]*Dartmouth Mo. M.,* 43.

[97]*Mass. Prov. Laws,* IX, 47, ch. 124; *Dartmouth Mo. M.*, 46-48.

the laws enforced on Dartmouth for his advantage, maintaining constantly that he was a missionary and as such should be regularly paid by the province.[98] For this reason the difficulties so serious in 1708 subsided in subsequent years.

The General Court complied with his request and, beginning with a grant of fifteen pounds to finish the meeting house in Dartmouth,[99] voted him various payments of fifteen or twenty pounds between 1709 and 1716.[100] A large grant of one hundred pounds made in 1722 upon a petition from the orthodox inhabitants for an annual salary for Hunt, and added by the General Court to the province rate of the town upset this arrangement and became the occasion of a long and obstinate battle.

The chief difference between these events in Dartmouth and the corresponding occurrences in Tiverton was that the General Court, in spite of repeated efforts, was never able to keep a Congregational minister long in the latter town. In 1710 twenty-one pounds were voted from the province treasury for the brief services of two men whom the General Court had sent to Tiverton,[101] but upon an appeal from the orthodox inhabitants for a further appointment,[102] the assembly merely ordered the ministers of the neighboring towns to preach at Tiverton during the summer at twenty shillings a Sunday, paid from the public treasury.[103] When in October the order was repeated, an earnest expostulation came from Samuel Danforth, minister at Taunton, who foresaw the difficulties of traveling to Tiverton in the winter and urged the appointment of a resident minister on the ground that a

[98]Potter, *First Cong. Soc. of New Bedford,* 20, 25, App. A, 110; *Mass. Prov. Laws,* IX, 42, ch. 112.

[99]*Mass. Archives,* XI, 293.

[100]*Mass. Prov. Laws,* IX, 109, ch. 162; 114, ch. 175; 224, ch. 153; 434, ch. 123; 492, ch. 95; X, 177, ch. 56; II, 269; Potter, *First Cong. Soc. of New Bedford,* App. A, 106-107.

[101]*Mass. Archives,* XI, 320; *Mass. Prov. Laws,* IX, ch. 168.

[102]*Mass. Archives,* XI, 293.

[103]*Mass. Prov. Laws,* IX, 70, ch. 42; II, 269.

meeting house was already partly built.[104] Thereupon a man was secured at twenty shillings a week,[105] but his congregation was meager and his stay brief.[106] In 1712 the General Court ordered twenty-five pounds for the ministry at Tiverton or "in proportion for such part of the year as they are supplied with a learned, orthodox Minister,"[107] but the inducement accomplished little. The following years saw only fruitless attempts by the general sessions and the assembly to carry out the law, for cajolery, threats and further ecclesiastical legislation proved of no avail.[108] While it was as early as 1717 that the General Court voted seventy pounds from the public treasury for the support of a minister[109] whom the general sessions had recently voted to secure,[110] it was not until 1722 that this sum was actually added, as in the case of Dartmouth, to the town's country rate. The resistance made by the Quakers in behalf of the assessors of the two towns, imprisoned for failure to assess these sums, won an Order in Council on their behalf and was the indirect cause of the first local exemption legislation.

[104]*Mass. Archives,* XI, 304. Danforth made another plea for Tiverton in the memorial presented by the ministers of Bristol county to the general assembly in 1711. *Mass. Archives,* XI, 385.

[105]*Mass. Prov. Laws,* IX, 131, ch. 42; 166, ch. 141.

[106]Perry, *Ch. Docs., Mass.,* 95.

[107]*Mass. Prov. Laws,* IX, 249, ch. 54.

[108]*Bristol Sessions,* II, 203; III A, 4, 7, 10; III B, 9, 302, 311; *Mass. Prov. Laws,* X, 177, ch. 57. In 1724 the Bristol court was wearily agreeing to ask the general assembly if it might not accept the Quaker, Joseph Wanton of Tiverton, as the minister of the town. *Bristol Sessions,* III B, 9.

[109]*Mass. Prov. Laws,* IX, 572, ch. 140. The representatives of the S. P. G. felt great resentment at such proceedings. "They are endeavouring from Boston to Introduce an Independent Minister to Tiverton. I should have been very glad they had been prevented by a Missionary from England and I hope it is not yet too late." Honeyman to the Secretary, 15 May, 1718, *S. P. G. Letters,* B XIII, 503-504. The inefficacy of these attempts is expressed in an exaggerated statement in another of Honeyman's letters. "In Litle Compton there is an Independent Teacher, and now and then one in Freetown, but in Tivertown never Any." Honeyman to the Secretary, 7 Sept., 1727. *S. P. G. Papers,* B I, No. 222.

[110]*Bristol Sessions,* III A, 33.

In Swansea and Dartmouth the court of general sessions of Bristol county and the Massachusetts General Court were meeting the opposition of well defined religious bodies fighting for a principle; in Tiverton the same was true in less degree. In the towns of Attleboro, Little Compton and Freetown, which Bristol sessions included in her attack of October 1698, the justices found themselves baffled by a lack of religious enthusiasm united with an ardent spirit of independence rather than any strong heterodox opinions. In the course of events the Massachusetts authorities learned that if they took these unusual conditions into consideration and modified their regular system more could be done in such a place than in a strongly anti-Congregational community. The settlement of the ministry in these towns was an economic and social rather than a religious question.

The unwillingness of the inhabitants of Freetown to be interfered with in a matter where pocketbooks were involved is suggested in their answer to Bristol court's warning in 1698. The "Poverty & inability" of the town were the alleged causes for their failure to comply with the law; and in the following year "their poor low & scattered Condition was one Reason (notwithstanding their Endeavors for divers years past) why they Could not obtaine a minister."[111]

For the next few years Freetown gave sufficient evidence of attempts to settle a minister to avoid presentment and in 1704 did secure William Way to serve as minister and schoolmaster;[112] but various facts indicate that he was not "learned and orthodox." He agreed to accept from his parish a voluntary contribution rather than a public maintenance and failed to receive the necessary approbation of Samuel Danforth of Taunton.[113] In the meantime the preaching of the first missionaries of the S. P. G. had made an impression in Freetown. Of two important things the

[111] *Bristol Sessions,* I, 15, 18.
[112] Fowler, *Fall River,* 39.
[113] *Bristol Sessions,* II, 113.

people were convinced: that a member of the Church of England could not be taxed by any other ecclesiastical body and that a missionary sent to them from England would have to be recognized by the standing order. Moreover he would need no great financial support,—at least no regular legal assessment,—since he would have a salary from the Venerable Society. The majority of the townsmen accordingly were induced to declare for the Church of England, a town vote to this effect was passed and a letter written to Samuel Myles of King's Chapel, Boston, urging him to forward their declaration to the Bishop of London. In the following months Freetown turned aside various warnings from the county court on the ground that she was waiting to hear from England.[114] In the meantime matters were not pushed by the general sessions as the justices had come to the conclusion that orthodoxy could never be forced upon Freetown without some assistance from the public treasury.[115]

That such a recommendation was to be made to the General Court may have reached the ears of a minority in Freetown who were led by the Congregationalists. Perhaps aware of the money grants which Dartmouth and Tiverton had already received, this group petitioned the General Court in 1709,[116] and were supported in their appeal by Samuel Danforth of Taunton.[117] The wording of Danforth's communication indicates that he recognized

[114] *Bristol Sessions,* II, 131, 136, 140, 141.

[115] *Ibid.,* II, 141.

[116] *Mass. Archives,* XI, 291. The names of the more important freeholders of Freetown are absent from the list of signers of this petition.

[117] "Some of them," Danforth wrote, "give Encouragem't that if they could have twenty pounds allowed to a Preacher among them for two or three yeer, they should & would Rayse among themselves so much more as would be Competent to subsist a minister there & severall who decline to sign the Petition out of a little humor, Yett promise they will do theyr parts Equivalent in proportion to any of the Petitioners for subsisting a minister whensoever this Court shall send one among them: I do humbly pray that this Court would make a tryall of their Ingenuity by allowing twenty pounds for one yeer to such a minister whom this Court shall appoint for them." *Mass. Archives,* XI, 304.

conditions in Freetown were so peculiar that some special dispensation might have to be granted if a Congregational minister was to be settled in the place. The support of those withholding their names from Freetown's petition might be gained by yielding "forced maintenance" and allowing the town to pay the minister by voluntary contributions as it had done in the case of William Way.

This suggestion was accepted and proved successful. Joseph Avery who was sent to Freetown received in addition to the province grants[118] only the voluntary pledges of his hearers, and on this basis was able to win the support of many of the townsmen.[119] After his departure the town lapsed once more into dissension[120] which was only increased by the advent in 1715 of Thomas Craghead who was sent by the General Court.[121] Of an impetuous and domineering character he was unwilling to let matters rest as they had in Avery's time, but went in January, 1718, and procured an act of Bristol court to compel Freetown to pay him a salary of sixty-five pounds a year, beginning on the day that he was chosen minister.[122] The older

[118]In addition to the twenty pounds allotted in 1709 the General Court voted at the end of a year a sum "after the rate of twenty pounds per annum to Mr. Joseph Avery, for each Sabbath, he hath or shall preach at Freetown." *Mass. Prov. Laws,* IX, 166, ch. 142; 195, ch. 63; 249, ch. 53; 299, ch. 52; 361, ch. 44; 409, ch. 67; 502, ch. 124; 561, ch. 107.

[119]*Mass. Archives,* XI, 369.

[120]*Bristol Sessions,* II, 214, 219, 220; III B, 43 (insert), 37 (insert), 43, 63, 64.

"The Conditions of several Churches, calls for my most exquisite Care, to gett them delivered out of their Temptation.

Moreover I must gett that Matter well settled, the ordaining of Ministers whom we send unto places destitute of the Gospel; and empowering of them to act as Ministers. *Freetown* particularly should be accommodated in this matter." *7 Mass. Hist. Colls.,* VIII, 232, Cotton Mather's Diary, 23 Aug., 1713.

[121]Stewart to Nicholson, 12 Feb., 1719/20, *S. P. G. Letters,* A XIV, 162.

[122]Backus, *Baptists,* I, 500. Neal observed (*New England,* II, 250-251) of the Massachusetts customs that "in the Countries, the Minister contracts with his People for a certain Stipend, which is usually but small, and very indifferently paid. The Minister indeed has his Remedy at Law against Defaulters, but if he should sue any of his Parishioners, he must bid adieu to his Preaching at that Place."

method of handling Freetown with leniency was now abandoned and later events show with what little success.

The money demanded by Craghead was assessed in 1717, 1718, and 1719, tho the constables failed to collect it. They were then imprisoned, and not released in spite of appeals to both Bristol court and the general assembly.[123] In March, 1720, Craghead, determined to gain some part of his salary still in arrears, applied to the General Court for certain sums against the three constables. This application resulted in a court order to the justices of the general sessions of the peace for the county of Bristol to grant out warrants of distress to the sheriff to distrain the goods or estates of these defective collectors.[124] Altho Craghead soon severed his connection with Freetown, his attempt to gain his unpaid salary extended into the summer of 1723. While his efforts were never crowned with success he was backed constantly by the justices of Bristol county and by the general assembly of the province.[125]

The chief result of the later policy of the government in dealing with Freetown was the alliance of many of the opponents of "forced maintenance" with the Quakers or with neighboring Baptists both of whom stood for their primary principle,—the separation of church and state. In 1729, 1730, 1732, and 1733 Freetown was presented for lack of a minister,[126] and when in 1747 a Congregational preacher was actually settled in the place, it was with the express understanding between himself and the people that he should not "directly nor indirectly take advantage of ye Laws of this Province to get a salary settled on me in ye town of Freetown, but look for and expect my support by the free will offering of ye People."[127]

The conditions in Little Compton slightly resembled those in Freetown; for altho there was an orthodox society there at an early date, it was long unable to maintain

[123] *Bristol Sessions*, III B, 64, 65; *House Journal, 1719*, 12, 13, 18, 23, 24.
[124] *Mass. Prov. Laws*, X, 70, ch. 156.
[125] *Ibid.*, X, 291, ch. 12; 305, ch. 42; 330, ch. 119.
[126] *Bristol Sessions*, III B, 122, 129, 132, 198, 212.
[127] Fowler, *Fall River*, 43; Hurd, *Bristol County*, 297.

itself without careful supervision by the general sessions. In 1699, in response to an appeal from this church, the court gave the town a legal order for raising forty pounds to be paid to the minister. When the selectmen failed to assess this sum they were fined forty shillings each.[128] The same occurred with their successors in 1700 and again in 1701.[129] It was this situation at Little Compton which was chiefly responsible for the legislation of 1702, giving the county court the right of appointing a special board of assessors if the town officers neglected their duty. In the case of Little Compton this measure was resorted to;[130] but progress was now blocked by the constables who failed to collect the sums assessed.[131] A compromise was finally reached which lasted until the time of the exemption legislation.[132]

The difficulties which Attleboro encountered in ecclesiastical affairs were due to two causes, her semi-frontier location and her close relation to the most unorthodox settlements of New England. From 1698 to 1708 her affairs often figured in the business of Bristol sessions. At first the excuse given was her "low, smale & Divided Condition." Later she reported repeatedly that she was taking steps to provide herself with a minister as ordered, but found it difficult to attract anyone on account of her poverty and small extent.[133] Final success came after an appeal to the General Court, for the latter responded to Attleboro's petition by reannexing to her authority some

[128]*Bristol Sessions,* I, 19, 21.

[129]*Ibid.,* I, 25, 27, 36; II, 4, 14.

[130]*Ibid.,* II, 25.

[131]*Ibid.,* II, 28. At this point the constables were sued by the treasurers. *C. O. 5, 864.*

[132]*Bristol Sessions,* II, 90. One influence brought to bear upon the settlement of a minister at Little Compton was the Society for the Propagation of Religion, patterned upon the similar societies in England. Edward Bromfield to the Secretary, 24 Feb., 1707. *S. P. G. Letters* A III, 178.

[133]*Bristol Sessions,* I, 15, 17; II, 93, 113, 116.

fourteen families which had previously been transferred to another town.[134]

The main structure of the church-state system of Massachusetts in the early eighteenth century can be traced in the provincial ecclesiastical laws, but only by a study of their enforcement can one obtain a clear idea of church life in the individual town and hence of the actual working of the church-state system. In the above study two facts present themselves. One of these is the tendency on the part of the General Court to assume responsibility in ecclesiastical affairs; the second, the increasing strength of hostile elements. The appearance of the two side by side suggests that the former was after all a technical rather than a real increase in power; but so long as it lasted it was an important part of the Massachusetts church-state system. In relation to the various towns and precincts, existing as ecclesiastical units, the authority of the General Court was greater than appeared on the face of any act. By law a minister was chosen by his church with the approval of the town, and bargained with the latter for his salary. But the General Court took a conspicuous place in the appointment and removal of ministers as well as in naming a choice when two were offering claims. It was often called upon to settle disputes regarding the method of paying his salary and the disposition of the ministry lands when new precincts were formed. The appeals came from the towns or precincts concerned, from ecclesiastical councils, or from county courts. For the towns the General Court decided whether circumstances warranted the formation of a new precinct, and if so, what arrangements should be made. The proper location of the meeting house was always an important matter as this building formed the civic center of the community. From church councils came to Boston various ecclesiastical matters, principally relating to the choice of ministers. From the county courts came the problem of dealing with delinquent towns and town officials. The assembly might sanc-

[134]Daggett, *Attleborough*, 226 and note.

tion or reverse council or county court orders. Finally the Great and General Court, by holding the purse strings of the province, was able in great measure to enforce her own commands. In the frontier towns the settlement of the ministry was so largely an economic matter that a vote of money from the public treasury was all that was required; while a money grant was the first means taken to establish orthodoxy in towns actively hostile to the Congregational system.

Only when such measures were utterly ineffective because of organized opposition did the General Court begin a policy of increasing her own authority by direct legislation. Assuming certain functions which had at first belonged only to the towns themselves and had been later placed in the hands of the general sessions, the court took upon itself the duty of procuring a minister for a negligent town and of paying his salary, the money apparently to come from the public treasury but being actually added to the town's province rate. While on the way toward this policy of coercion the assembly found itself obliged on more than one occasion to alter its scheme of ecclesiastical control in places where the opposition formed a majority of the inhabitants. Hence in several towns of Massachusetts the early years of the eighteenth century saw the voluntary system in use for the support of the ministry, and in one of these towns a Baptist preacher was accepted as the minister of the place. The assumption of greater powers on the part of the General Court with its evidence of a determination to get results forced the outside elements to become aggressive. The ecclesiastical legislation was running by the side of, but in a losing race with, the growing independence of the dissenters. We shall next see the means whereby the opposing forces accomplished their ends, carrying the struggle beyond the limits of Massachusetts and involving various interests across the seas. The contest at this point becomes therefore a part of a larger movement, touching English politics and British colonial policy.

CHAPTER V.

The Quakers and Their Allies.

The assault upon the ecclesiastical system of eighteenth century Massachusetts was made by three religious bodies,—the Baptists, the Society of Friends, and the Church of England. In the opposition which was raised the Anglican Church stood aloof from the others, showing little desire to fraternize with the sects which were still more or less despised in England, and basing most of its arguments on the fact of its own superiority as the established church in the mother country. The Baptists and Quakers very early joined forces on the common ground of disapproval of church establishment of any sort or any legal recognition of one sect over another. During the latter half of the century the Baptists were the stronger of these two groups and the leaders; before 1740 the Quakers held this position. The exchange in influence was merely the accompaniment of the exchange in numerical strength which the two bodies experienced in the second quarter of the eighteenth century. In their decline the New England Quakers were merely suffering the fate which early came to the whole society in both the old and the new world. In their growth the Baptists of New England gained something at the expense of the Quakers but far more at the expense of the Congregationalists themselves, for a large number of the strict, "separate" churches which dated from the Great Awakening became Baptist. It has never been fully appreciated that in the years before 1740 the Quakers were doing as large a work as the Baptists carried on after that date. Such would not be the case if the Quakers had produced an historian. It is true that at one time Moses Brown of Providence, contemporary and friend of Isaac Backus,[1] was contemplating a history of

[1] Isaac Backus, *The History of New England with special reference to the denomination of Christians called Baptists*, 3 vols., 1777-1796.

New England Quakerism, but he never went farther than to collect some material.[2] The situation was not to be changed by the typical New England historians of the nineteenth century. Interested primarily in those elements in the community which were represented in the General Court they underestimated the influence of other forces.[3]

The Quakers of the eighteenth century had passed beyond the period of active persecution and now enjoyed both in England and in the colonies a power quite out of proportion to their numerical strength. This influence was due to their organization in a great body, strong and

[2]Among the *Moses Brown Papers* (XVIII, 55), is a paper entitled "Materials toward the History of Friends in New England." It contains a series of excerpts from the records of the New England Yearly Meeting relating to the first settling by the Yearly Meeting of the various quarterly and monthly meetings. Moses Brown also spent some time in 1782 gathering material relating to the proceedings in England in 1723-1724 when the affair of the imprisoned assessors of Dartmouth and Tiverton was before the Board of Trade and the Privy Council. *Moses Brown Papers,* portfolio entitled "Papers regarding imprisonment of Quakers."

[3]Comments on the Massachusetts Quakers of the early eighteenth century are relegated by Palfrey to a footnote in connection with other events of 1724. "From this time," Palfrey concludes, "Quakerism in Massachusetts was unmolested and insignificant." *New England,* IV, 449, note.

In recent years some good local work has been done, among which should be mentioned William J. Potter, *The first congregational society in New Bedford, Mass: its history as illustrative of ecclesiastical evolution,* New Bedford, 1889, which prints many documents; also Edward T. Tucker's contributions to the history of the Friends in the vicinity of Dartmouth. Leonard B. Ellis, *History of New Bedford and its vicinity, 1602-1892,* Syracuse, 1892, discusses in Chapter 2 the Quakers of the whole region, while Chapter 27 gives an abstract of Potter and an article by Tucker on the Friends' Society. More general accounts of Massachusetts Quakers appear in Henry W. Foote, *Annals of King's Chapel,* Boston, 1882, and Abner C. Goodell, "Notes on Quakers," in *Pubs. of the Col. Soc. of Mass.,* Vol. I, *Transactions, 1895,* 140. These are brief and are concerned merely with the Quaker in his relation to the state church. A broader treatment may be found in Rufus M. Jones, *The Quakers in the American Colonies, London,* 1911.

centralized, still warm with religious enthusiasm, and including among its members many influential men. The weekly, monthly and quarterly meetings of New England, centering in the great yearly meeting at Rhode Island, were only the repetition of the same organization in the Quaker colonies and in England. Communication between the various yearly meetings was constant and the London Yearly Meeting took a supervising interest in all.[4] The "Meeting for Sufferings" which was organized in London received the complaints not only of all the smaller meetings in England, but from Quakerism wherever it had been established.

The method used by the English Quakers of recording their sufferings with the purpose of carrying them before local meetings and thence to London was a well recognized custom in New England several years before the date of the province charter. In Massachusetts these sufferings were of three kinds:—fines and distraint or imprisonment for (1) refusal to train with the militia or go with a military expedition; (2) refusal to take any oath of office or for service on a jury; (3) refusal to pay the rate for the Congregational minister or to assess or collect such a rate in the office of selectman, assessor, or constable. With the last mentioned we are chiefly concerned, as it alone affected the individual churches in their relation to the civil government.

As early as 1677 the Salem Monthly Meeting proposed that "Care might be taken in ye buseness relating to friends Sufferings" which were to "be recorded, and Coppies

[4]The annual interchange of letters between London and Newport early became a feature of the New England Yearly Meeting. Among the men appointed to the work of transcribing and signing the "epistle to London" were the most prominent members of the society. They were regularly asked to give an account of "truth" among the New England Friends and receive whatever returns came from across the water. The letter when written was read in the whole meeting for approval and ordered sent with an account of "sufferings" enclosed. *N. E. Yr. M., passim.*

thereof sent to Rodisland."[5] The recommendation had probably come from the Yearly Meeting which has no extant records for so early a period. In 1683 the Yearly Meeting desired

that due Care be taken by friends in their respective meetings to record all their Sufferings, and by whome they Suffered, the time when, the manner how, and the Cause why they Suffered, and to bring them to the next Yearly meeting att Rodisland.[6]

The method here recommended for recording sufferings was the one adopted by the monthly meetings throughout New England, they communicating it to their weekly meetings. Tho an occasional reminder proved necessary,[7] the yearly reports were duly carried to Rhode Island and thence dispatched with the yearly epistle to the London Friends.[8]

The next step was taken in 1692 when the Yearly Meeting arranged for a special gathering on certain days, early in the morning, before the time for the public meeting for worship, at which representatives from the several meetings were to bring in their accounts of sufferings "if Aney Bee."[9] At these little special "meetings for sufferings" it became customary to call the roll by monthly meetings at which time the reports were given and recorded.[10]

In 1701 the Yearly Meeting drew up a list of "Some Queries to Bee made at Quarterly and monthly meetings," covering all phases of Quaker life and doctrine, for the purpose of bringing the weaker communities into line.

[5] *Salem Mo. M.*, 2.

[6] *Ibid.*, 2.

[7] *R. I. Mo. M.*, I, 89; *Salem Quart. M.*, I, 19; *N. E. Yr. M.*, 98, 111, 123.

[8] The first item of this nature entered in the records of the Yearly Meeting is as follows:—"At a generall yearly mans meeting at Rhod island At ye house of William Codington the 14 day of ye 4 month *1686* . . . It is . . . agreed yt ffriends in their seaverall Respective monthly meeting Boock Record their sufferings & bring them in to this meeting yearly to be Recorded here and sent for Ingland." *N. E. Yr. M.*, 3.

[9] *N. E. Yr. M.*, 5-6.

[10] See for example the report of the Yearly Meeting for 1701. *N. E. Yr. M.*, 15.

Among these were three relating to sufferings:—

9 Are friends Cearfull to Bring in thear Sufferings for Truths Testamoney, yt theye may Bee Recorded.

10 Wheather ffriends doe Keepe up Truths Testamoney; agaynst Bearing of armes & Trayning; & Things of that nature—

11. How doe are ffriends Keep Theare testamoney to ye Truth in Refusing to paye to ye maintainance of ye heyerling minestry.[11]

Five years later, feeling that the collecting and recording of sufferings might well have more attention, the Yearly Meeting appointed a committee of two or three prominent men for each of the four quarterly meetings in existence at that time, to handle the matter and bring in exact accounts.

ffriends are Desird, [ran the resolution,] to take Ceare in Bringing in theare Sufferings to Each Quarterly meeting & take notis of ye Daye of ye month & the yeare, and also ye name of ye person that grants fforth the Warant and the names of ye persons that takes awaye theare goods and the use ffor what it is taken wheather Priest or others with the name of ye place wheare the ffriends Liveth and all ye persons above named and the some Demanded & ye vallew of what is taken.[12]

This increasing solicitude of the Yearly Meeting was shown also in the purchase of a book for the recording of sufferings and the appointment of an official recorder.[13]

While the Quakers insisted strongly upon resistance to the payment of taxes in certain cases, they were, on the whole, law-abiding citizens, the various meetings using their influence to accomplish this result. The Rhode Island Quarterly Meeting was in 1705 much distressed by complaint that certain Friends "Eastward" refused to pay any public taxes to the government on the ground that a great part of the money was used for war. A paper was drawn up on the subject and travelling Friends were asked to urge Hampton and Dover people to pay the rates.[14]

Resistance to taxation for an established church was one of the first rules of the Quaker body. Recording of

[11] *N. E. Yr. M.*, 19; *R. I. Mo. M.*, I, 184; *R. I. Quart. M.*, 46, 47.

[12] *N. E. Yr. M.*, 31-32.

[13] *Ibid.*, 33.

[14] *R. I. Quart. M.*, 38, 39. Another case appears in *Dartmouth Mo. M.*, 47, 48.

sufferings was very early an important duty of the individual Friend. The first record we have of a deliberate decision on the part of a New England meeting to raise the question of the legal right of the government to exact ministerial taxes, belongs to the Monthly Meeting held at Lynn on January 10, 1697/98. At this time a letter was written to London describing the sufferings of the Quakers in that region,—more intense than in the southern county of Bristol, because the Quaker element was here more completely overpowered by the standing order,—and inquiring "Whether the Presbiterian Clergye have power to sue for Tythes." The London Meeting for Sufferings which took up this case agreed that the correspondents for New England should investigate the matter, to discover whether any laws which might be made in New England could empower the "presbiterians to sue for Tythes and cast people into prison."[15] Application was immediately made in the form of queries to two English lawyers, for a legal statement of opinion.[16] Their reply is important as the first such statement obtained by either Quaker or Anglican body in its struggle against the Massachusetts church-state system.

Query 1 Whether Presbiterian Ministers not being Inducted according to the Cannons of the Church of England, have power to sue for, Distrain and cast into prison, Persons yt refuse to pay the Tax of the Country made in January, 1693. in the Towne of Lyn in New England.

Answer Unless there is a Law in the Country Confirmed in England to Justifye it, I conceive they cannot; for a Presbiterian Minister is a Person not taken of in our Law, and if he was the Law of England doth not warrant such proceedings; I find by the Warrant to the Constable his behaviour in this Case—

Q: 2 Which way ye Person so Prosecuted distrained or Imprisoned may be Relieved agst the said Law or Prosecution aforesaid.

Ans: The Person so prosecuted If his goods were distrained may bring a Replevin or Action of Trover for Recovery of them: If he is Imprisoned he may bring an Action of ffalse Imprisonmt or an Habeous Corpus ye Cause of his Committment appearing on return thereof, a Judge ought to discharge him his Committmt being Illegal.

[15] *Lond. M. for Sufferings,* XII, 192-193.
[16] *Ibid.,* XII, 224, 230, 241, 247.

Q: 3 Whether any of the Country Laws of the Said New England made by their select men yt are repugnant to the Laws of England can be Lawfully Imposed upon the Inhabitants thereof.

Answer I Presume by their select men, they mean their Assembly, If so I take it yt no Law yt is made by them yt is repugnant to the Law of England will bind the Inhabitants Unless it be Transferred to England and there confirmed.

J. Scroope
I am of the same opinion with Mr. Scroope
Tho: Newton—[17]

On the strength of this statement the London Friends now wrote to the New Englanders urging them to try a test case and if local judgment proved unsatisfactory, to carry the suit to the proper court in England.[18] Here was the first suggestion of the later appeal to the King in Council. Further encouragement along the same line soon came to the New England Yearly Meeting from Governor Bellomont. The Lynn meeting, not yet ready for a test case, carried its difficulties to the Yearly Meeting of 1699, which appointed a committee to "consider & Draw up an Accot of frinds Sufferinges at Linn & Yarmouth or ealswhere in order to present to ye Governer Bellomont to obtaine Reeleefe from him."[19] His reply was to call the Quakers' attention to the fact that the laws of which they complained had been confirmed in England so that he had no authority in the matter "without order from thence." He did however give the Quakers to understand that he would send their petition to England and obtain some answer for them.[20]

Altho this petition never reached England, Bellomont had made a contribution in his statement that the Massachusetts law had had the approval of the crown. It remained for the London Friends to prove this statement to their own satisfaction and this they did through the work

[17] *Book of Cases,* II, 22-23.

[18] *Lond. M. for Sufferings,* XII, 235-236.

[19] *N. E. Yr. M.,* 12.

[20] *Epistles Rec'd,* I, 301-303, Epistle from the N. E. Yr. M., 1699; *Lond. Yr. M.,* II, 302.

of investigating committees.[21] Richard Diamond and William Crouch, who visited the Plantation Office at the request of the meeting, reported the existence of the law of 1692,[22] and John Field, who was shortly afterwards sent to discover whether the law had received royal approbation, reported that it had been confirmed by the King in Council.[23]

Nothing daunted, the English Quakers determined to proceed farther, first taking the precautionary measure of recommending to all meetings in the various colonies that they watch their respective legislatures and give timely notice of the passage of a law if they wished to have it disallowed in England.[24] In regard to Massachusetts the London Friends observed that it might not be in accordance with the Massachusetts charter to "force maintenance to a Nonconforming Ministry dissenting from ye Church of England." If the New England Quakers were convinced that this was the case they were urged to approach the governor once more and remind him of this fact, in order that he might inform the Privy Council against the allowance of further legislation. In the meantime it would be well for them to draw up a petition directly from themselves to the king that the English Friends might solicit for them and have a stop put to further legislation.[25]

While the London Friends were waiting for a reply from New England, they were investigating the various questions which had recently presented themselves. William Crouch brought from the Board of Trade information of a fact which they were already suspecting: that when once a law made in the plantations had been allowed in England there was no way of repealing it "but by the Assembly that made it." The meeting which received this statement appointed a committee to discover whether the law which was under consideration did "agree with the

[21] *Lond. M. for Sufferings,* XIV, 224-225, 272.
[22] *Ibid.,* XIV, 229-230.
[23] *Ibid.,* XIV, 277.
[24] *Ibid.,* XIV, 277-278.
[25] *Epistles Sent,* I, 367-368, Epistle to N. E., 1700.

Original Patten or Governours Instructions."[26] Three months later William Crouch appeared with the Massachusetts charter, secured at the Plantation Office, and it was filed by the Meeting for Sufferings with the laws of 1692.[27] Convinced by their perusal of the charter that laws for the support of one form of worship were not in accordance with this document and that they should be disallowed on this basis, they wrote a further letter to New England in which the Massachusetts Quakers were again urged to keep watch of their assembly and make protests before it was too late.[28]

The first suggestion made by the English Friends in their letters of 1700,—that a petition to the king be drawn, —was followed by the Quakers of Lynn, who in the following year produced a timid representation. It was approved in the New England Yearly Meeting and dispatched to London.[29] The Massachusetts Quakers had not yet grasped the full significance of allowance by the crown of colonial legislation and made the simple prayer that they might be eased of the imposition of tithes.[30] In recent months the London Meeting for Sufferings had been gaining a clear idea of colonial administration and recognized the fruitlessness of such a petition unless new legislation was before the Privy Council. Its only act, therefore, was the appointment of a committee to approach the man who should be made governor of New England and ask his moderation toward the Friends there.[31] Other matters of importance to Quakers were already occupying the attention of the London meetings and crowded out consideration of this case for the present. The sufferings of the Lynn Quakers did not again appear as a separate issue until 1705.

The assurance with which the English Quakers made promises of effective support in the case of further ecclesi-

[26] *Lond. M. for Sufferings,* XIV, 281-282.
[27] *Ibid.,* XIV, *passim;* XV, 87, 93, 106.
[28] *Ibid.,* XIV, 350, 353, 360; XV, 38.
[29] *N. E. Yr. M.,* 15; *Epistles Rec'd,* I, 345, *Epistle to London,* 1701.
[30] This petition appears in full in *Epistles Rec'd,* I, 346.
[31] *Lond. M. for Sufferings,* XV, 184.

astical legislation in Massachusetts was well founded. In the years following the revolution, when the Toleration Act had recognized the Quaker body with other dissenters, and further laws passed in their favor were giving them various rights and privileges, the growing influence of these people received increasing recognition. In governmental circles this was due in large part to the importance of individuals among them who represented ability, wealth and large business interests. There has been present in the make-up of many adhering to Friends' principles a strong business sense and financial keenness which, combined with deep religious feeling and sincerity of lofty purpose, has given great material strength to the society. William Penn was himself a possessor of these characteristics. In New England they appeared conspicuously in the lives of Richard Borden and Thomas Richardson, the former a farmer and land surveyor of Tiverton,[32] the latter a prosperous merchant of Newport.[33] These were the two men who probably did the greatest work individually for the Quaker cause in Massachusetts. Among the English Friends who were backing the New England meetings at the opening of the eighteenth century many could be mentioned who were primarily men of business. The name of William Crouch appears among the signatures to a petition (29 Jan., 1702/03) against granting a charter of incorporation to Sir Mathew Dudley and others for furnishing her Majesty with naval stores. It was offered on the theory that such a charter would be destructive to the trade of the provinces and be "a very great prejudice" to all merchants and traders to those parts, among whom the

[32]Richard Borden showed his business keenness in the purchase, with his brother, of twenty-six and one half thirtieths of the mill stream and mill lot at Fall River, which brought wealth to his descendants. Peck and Earl, *Fall River, 227*. He was the son of John Borden of Quaker Hill, Portsmouth, R. I., with whom George Keith records in his journal an amusing encounter. *Journal, 23, 30* Aug. 1702.

[33]The manuscript letter books of Thomas Richardson, which give an idea of the extent of his business, are in the possession of the Newport Historical Society.

petitioners were numbered. The charter was not granted.[34] Other important Quakers were John Field, Edward Hastwell, Theodor Eccleston and Joseph Wyeth, and in later years John Gurney,[35] Thomas Hyam[36] and Richard Partridge.[37] John Kelsall, a young Quaker who attended the London Yearly Meeting of 1704, records in his diary a list of the noted Friends present, in which are as many names which represent public importance as stand for eminence in preaching or writing.[38]

This was the type of Englishman which had opposed William III's methods of dealing with foreign trade and economic affairs in the colonies, calling into existence the body officially known as the Lords Commissioners for Trade and Plantations. The first members of the Board of Trade were chosen largely to satisfy the demands of English business interests.[39] In such interests Quakers were represented, and to this fact may be due something of the close relation existing between the Board of Trade in its early history and the London Yearly Meeting. At a later date, when the Board had lost much of its early vigor and colonial affairs were in Newcastle's hands, the influence of the English Quakers in the problems of the American Friends was no less conspicuous. In these later years the Quaker body not only continued to form a strong element in the Whig party, but included among its mem-

[34]*C. O. 5, 910,* 381-382.

[35]He presented the case of the wool weavers before the House of Lords in 1720. *Biog. Cat.,* 294; *Dict. Nat. Biog.*

[36]In 1718 Hyam signed a petition to the Board of Trade from the "Merchants Trading to New England, Virginia and Carolina," asking them not to discontinue the bounty granted by Parliament on pitch, tar and turpentine imported from the plantations. *C. O. 5, 867.*

[37]Jones, *Quakers,* 205-207 and note.

[38]*Kelsall Diaries,* 1704, I, 25, 30. Here for example are the names of William Penn, Thomas Ellwood, John Field, Theodor Eccleston, Richard Claridge, Daniel Philips, Joseph Grove, Joseph Wyeth, Daniel Quare, Edward Hastwell, Robert Haydock, James Dickenson, and Benjamin Bealing.

[39]Dickerson, *Am. Col. Gov.,* 20-57.

bers several men who could command the attention of Walpole and the Duke of Newcastle.[40]

This political influence of the important Quaker leaders appears in many contests which they entered for the sake of the Friends in the colonies, just at the opening of the eighteenth century. Here may be mentioned their resistance to the Maryland tobacco act with taxation for the Church of England, opposition to the newly published Connecticut law against heretics, and their long continued struggle against the crown's attack upon proprietary governments. Tho they were in these acts opposed by the Church of England, the colony of Connecticut and the general policy of the Board of Trade respectively, the Quakers were able to get unusual recognition. Two of these struggles bear an indirect relation to Massachusetts Quakerism.

In the attack on proprietary governments the Quakers of England saw a two-fold danger. In the first place they foresaw the fall at the hand of the Board of Trade of the thriving Quaker colonies of Pennsylvania and Rhode Island, and immediately sent letters to both Philadelphia and Newport to advise of the situation and urge that statements of defense be sent to England.[41] Beyond this and as a prime motive, they were convinced there was an endeavor on the part of the English bishops and clergy, especially Dr. Bray, and their "more meaner Instruments,"—as they termed Randolph and Jeremiah Basse, royal governor in New Jersey,—to secure the introduction of governmental institutions which could best be used as the civil arm for establishing the Church of England in these colonies, welcoming missionaries and collecting tithes.[42] Before them

[40]John Gurney was offered a seat in Parliament by Sir Robert Walpole but declined the offer on the ground that such a position was incompatible with his religious views. *Biog. Cat.*, 294-296. See also J. Belcher to R. Partridge, 20 May, 1740, 6 *Mass. Hist. Colls.*, VII, 507; J. Belcher to [T.] Hyam, 25 Oct., 1740, *Ibid.*, VII, 522 *et alia.*

[41]*Lond. M. for Sufferings,* XV, *passim; Cal. of St. Papers, Col. Series, Am. and the W. I., 1701,* 286.

[42]*Epistles Sent,* I, 408-410, Epistle to R. I., 1701.

they imagined lay the same battle in these colonies that they were already waging for Maryland. It was in certain part due to the efforts of a vigorous committee of the London Meeting for Sufferings that the matter was dropped in 1701.

When the attack on the charter governments of Rhode Island and Connecticut was renewed in subsequent years, the situation was changed by the presence of Joseph Dudley as governor of Massachusetts. While determined to enforce the British imperialistic policy of which he was the exponent[43] and conscious that this was impossible without great changes in the liberties of Rhode Island, he had a keen sense of the importance of the Quaker in England. His problem was to keep on good terms with a vigorous religious body, while advancing schemes for colonial control which conflicted with the political and less directly the religious interests of this sect. During his whole period of government he was remarkably successful in clearing himself from accusations made by English Quakers and in giving a distinct impression of cordiality to the New England Friends.

On May 20, 1703, the London Yearly Meeting took notice of the revival in Connecticut of an old law against various heretics, including Quakers.[44] The New England Yearly Meeting, in sending this law along with an epistle to London begging for its "repeal," were carrying out the suggestion which the English Friends had made when, two years before, they urged the timely report of such legislation. Two distinct measures were adopted by the London Meeting for Sufferings at this time. The committee to whom the matter was assigned was not only to visit the Plantation Office, with a view to learning whether this law had yet arrived and been confirmed; it was also to acquaint the Presbyterian and Independent ministers of London of the existence of this colonial legislation.[45] The committee, upon discovering that this law was at the Plantation

[43] Kimball, *Joseph Dudley.*

[44] *Lond. Yr. M.*, III, 77.

[45] *Lond. M. for Sufferings,* XVI, 294-295.

Office,[46] wrote a letter to the Presbyterian and to the Congregational ministers of London asking them to join the Quakers in a petition to the Queen for disallowing such laws as were inconsistent with that liberty of conscience for which they were all supposed to stand.[47] The answer from the ministers, while acknowledging that they as well as the Quakers were for liberty of conscience everywhere, did not accept the invitation. It stated merely that both bodies were writing to the Congregationalists of New England, repeating the complaint of the Quakers, and remarked that they could go no further until they should obtain a reply.[48]

[46] *Ibid.*, XVI, 299-300.

[47] *Ibid.*, XVI, 305, 311.

"To the ministers and Elders of the { Presbiterian / Independent } Congregations.

There being severall severe Laws made by your Brethren in New Engld both in the Massachusets Bay Province and also in the Colony of Connecticutt agst. our ffriends the People called Quakers only for their Conscientious Dissent from ye Nationall Way there, and not for any Crime or Evill fact done by them.

Now if you are for liberty of Conscience to those that Dissent from you and are willing our friends in New England should Enjoye the like liberty of their Consciences there, as you with us doe here,—We request you to mannifest your sincerety herein, not only by shewing your dislike thereof to your Brethren there, but also by your Concurrent application (with us) to ye Queen, that she would be favourably pleased to disallow all such Laws and in the meantime we hope you will find it Expedient to give your publick declaration agst. the said Laws.

We desire your speedy answer and Remain your Christian ffriends.

Wm. Crouch
Wm. Mackett
Theodr. Eccleston
Londo. the 22 9/m 1703 Jno. Whiting
John Field
George Whitehead"

Book of Cases, II, 140-141. There is another copy in the Public Record Office, *C. O. 5, 864.*

[48] "To Mr. Wm. Crouch, Mr. Jno. Field, Mr. George Whitehead, Mr. John Whiting and Mr. Wm. Mackett.

Gentlemen

Your Papers having been Communicated to us severally we have in complyance with your desire wrote two distinct Letters to our

The letter which was written at this time by the London Congregational ministers finally reached Increase Mather.[49] In it the writers showed a much less clear conception than the English Quakers possessed of the basis and methods of New England legislation, as they had studied the *Magnalia* rather than the Plantation Office. Nevertheless, with some opening apologies, they made a strong case regarding "penal laws for matters of meer Conscience."[50]

In the meantime [51] the London Quakers grew weary of waiting for the Independents, and the Yearly Meeting of 1704 gave its approval, with financial support, to a petition which the Meeting for Sufferings had prepared and was ready to lay before the Queen in Council.[52] Succeeding meetings followed this petition in its course through Lords Committee and Board of Trade, arranged for answering

Brethren in New England and therein laid before them the matter of your complaint.

You will easily allow that we must expect their answer before we can fairely take any farther steps: only as we have in those Letters fully signifyed to them, soe we doe in this Joyntly declare to you, that we are most unfeignedly for such a liberty of Conscience every where, as you with us doe here by Law enjoy.

Wee are

Your servts. in the Lord

J Spademan	Thos: Rowe
Josh: Oldfield	Ben: Rowe
Ben: Robinson	Matth: Clarke
Ro: Fleming	Robt. Bragge"

January 17th. 1703/4

Book of Cases, II, 141.

[49]A letter was also written by the Presbyterians (*Lond. M. for Sufferings,* XVI, 325, 328) and is probably the one printed in Calamy, *Baxter,* I, 670-672. It is here described as "Sign'd by severall of the other Three Denominations of Dissenters and sent in their common Name to some Ministers of Reputation in *New England,* to be communicated to their Brethren." It may never have reached its destination.

[50]*C. O. 5, 864.*

[51]*Lond. M. for Sufferings,* XVII, 257.

[52]*Lond. Yr. M.,* III, 125.

Sir Henry Ashurst[53] in his defense of Connecticut and for seeking advice from William Penn. They supplied specific instances of persecution when called upon and finally, when the Order in Council had been secured, filed it with the other papers.[54]

A second attempt was made by the English Quakers to gain the support of the Nonconformists in 1705, after the receipt of the Order in Council. A committee of Quakers then visited the Independents with the invitation to join them in sending to New England the appeal that the "Tolleration act may by yt Governmt be there admitted by consent in its full force." As neither body took the steps for which the Quakers were hoping,[55] the Meeting for Sufferings independently sent off a copy of the Order in Council to the governor of Connecticut with an earnest recommendation for the future.[56]

In this question Dudley became involved through the accusation by Sir Henry Ashurst that it was he who had unearthed this bit of old legislation and published it in Boston in order to stir up in England further hostility to the government of Connecticut.[57] While this was not a fact, the charge was a clever one, as it took account of Dudley's appreciation of the importance of the Quakers and of the evidence he was already giving of a desire to conciliate them. Watching from Boston their activities in England he saw that in their first appeals they were associating Massachusetts with Connecticut in treatment of

[53]In *Book of Cases,* II, 144-154, appear the following papers:— Memorial of Sir Henry Ashurst to the Board of Trade, Answer to Ashurst by the Quakers, Ashurst's second petition, Answer by the Quakers, Instances of prosecution under Connecticut law, Letter from the Quakers to the governor of Connecticut.

[54]*Lond. M. for Sufferings,* XVII, 108, 112, 156 . . . 212, 226, 234, 241, 274, 276, 291, 299, 303, 309.

[55]*Ibid.,* XVII, 316-317, 320; XVIII, 26.

[56]John Field and Joseph Wyeth to the Governor of Connecticut, *Book of Cases,* II, 152-154. The act had been repealed by Connecticut before this letter arrived. *Lond. M. for Sufferings,* XVIII, 178.

[57]Dudley to the Board of Trade, 2 Oct., 1706, *C. O. 5, 912,* 274-276; Trumbull, *Hist. of Conn.,* I, 420.

dissenting sects. He accordingly wrote (1 Jan., 1703/04) to William Crouch, one of the London Quakers, to explain the situation, saying "there are no Laws in . . . [Massachusetts] yt Affect any perswasion of the Reformed Religion—and . . . their Laws wch were formerly made agst friends are abolished."[58]

William Crouch, tho convinced of Dudley's friendship, had gained, in the course of his investigations at the Plantation Office, information of the letter which Dudley had written to the Board of Trade, September 17, 1702, berating severely the Quaker government of Rhode Island.[59] As a result of this discovery his answer to Dudley's letter contained a rebuke.[60]

Meanwhile the letter written to New England by the Congregational ministers of London, carrying with it a copy of the London Quakers' letter to them, had reached Increase Mather. Not long afterwards (29 October, 1705) there appeared in the *Boston News Letter*, under the editorship of John Campbell, certain insinuations against the London Quakers based upon their letter to the Congregational ministers. The chief point here made was that the London Quakers in this letter had misrepresented the Massachusetts government, accusing it of great unfriendliness to the Quaker element and in this including Dudley. To the London Friends this was a direct challenge from Dudley as the paper bore the usual heading, "printed by authority." John Field and Joseph Wyeth, who acted as a committee in this affair,[61] visited the Lords of Trade and secured their promise that a letter would be written to clear the London Friends of any suspicion of opposing Dudley's government. A letter written soon after by the

[58] *Lond. M. for Sufferings,* XVII, 268.

[59] *Cal. of St. Papers, Col. Series, Am. and the W. I., 1702,* 966.

[60] *Book of Cases,* II, 154-157. At the same time the London Meeting for Sufferings agreed to send to the Rhode Island Meeting the complaints which Dudley had made in his letter to the Board of Trade in order that the Rhode Island Quakers might prepare to defend themselves if occasion arose. *Lond. M. for Sufferings,* XVII, 276, 282.

[61] *Lond. M. for Sufferings,* XVIII, 11.

Board of Trade to the governor of Massachusetts contained this statement:—

And whereas several of the Quakers here have complained to Us of a paper said to be printed at Boston by Authority, Entituled, The Boston News Letter, Dated the 29th of October last, containing reflections upon their proceedings here in England: We think it fit to give you this notice that none of that perswasion have made any Application to this Board in reference to New England otherwise than against the forementioned Law Entituled Hereticks and that the Spreading of false News cannot but tend to the Creating of heats & Animosities amongst her Majesty's subjects.[62]

So it was that Dudley received within a few months of each other two letters which called upon him to state his position in relation to Quakerism. To each he returned a reply.

To Wm. Crouch in answer to his dated the 3d 6m 1705.

Boston ye 15th of Aprill 1706.

Sr This is the first oppertunity Since I had your kind letter and it is to thank you for your respect therein and so freely to accept your Chiding if I have deserved it, it is certain there is no Law of these Provinces in force agst any of your perswasion nor pretence thereto but they are as Easie in all points as any others to attend their own Method of Worship and I believe none of them will complain that I have not always Treated them with freedom and respect as well as Justice, but in the matter of Road Island of wch you write it is not a Business of Religion but of a Civil Nature referring to the Jurisdiction of the Admiralty Court in which I did nothing but wt I was Expressly Commanded by her Majesty and their Refusal was agst the Law as is given for the Opinion of her Maties Councill in the Law to wch they and I ought to submitt,—however that matter is now over and need never be Remembred or Repeated, I heartily Wish you well and shall be glad of a letter now and then from you and pray you will give my service to Mr. Pen when you may see him.

I am Sr. your very humble servt

J. Dudley:[63]

To the Board of Trade on October 2, 1706 he wrote:—

I am very sorry that the News Paper should give your Lordships the least disturbance referring to the Quakers here is no Law in being that reflects upon them or is grievous, saving the Military Laws, which demand Fynes for want of Service, which was made before I came hither, but has been used as moderately as I can bring to pass, There are none of that perswasion here, but will give Testimony if need were of my friendship

[62]Board of Trade to Dudley, 4 Feb., 1705/06, *C. O. 5, 912,* 119-120.

[63]*Book of Cases,* II, 167-168; *Lond. M. for Sufferings,* XVIII, 139.

and kind reception of them at all times,[64] and in this Matter I have reprimanded the writer, and required him to tell his News without any reflection for the future, which I am sure he will obey, and of this the Quakers here are knowing and well satisfyed.[65]

This somewhat intricate episode is of importance in the light which it throws on numerous civil and ecclesiastical questions. Dudley appears as the exponent of British imperialism, ready to carry out the wishes of the authority which he represented, with the underlying policy of placating rather than disturbing various religious interests. The London Quakers give marked evidence of their constant support of the smaller groups in Congregational New England and of their ability to enlist the government in their behalf; the Congregational and Presbyterian ministers of London in their few utterances show how little sympathy and understanding remained between them and the established dissent of New England; they show likewise the weakness of their organization which was often met when an attempt was made to bring them to share all together in a common cause.[66]

[64]There are several proofs of the truth of this statement. In 1703 a petition from Sandwich Quakers reached Dudley, and he seems to have taken some interest, perhaps attempting to find out the number of the sect in the province. *Sandwich Mo. M.*, 51; *N. E. Hist. and Gen. Reg.*, II, 149.

[65]*C. O., 5, 912, 274-276.* In addition to making this statement to the Board of Trade Dudley, in his interview with Campbell, so frightened him that the latter sent in all haste to the Board of Trade a letter of apology. *C. O. 5, 864.*

[66]Cotton Mather's utter disgust with the interference of the English nonconformists finds vent in his diary on September 11, 1706. "Moreover, the wicked *Quakers* having made their Addresses and Complaints and Clamours, at home in *England* against the Countrey, whereof an Account was address'd unto us, by the Independent Ministers in *London;* as if we had persecuting Lawes among us: I thought this a good Opportunity, not only to vindicate my injured Countrey, but also to discover more and more of the wicked Spirit of *Quakerism,* and to demonstrate, that their *Light within* is a *dark, feeble, sinful Creature,* and that to sett it up for *Christ* and *God,* which is done in *Quakerism,* is a very horrible Idolatry. I composed a Treatise on this Occasion; and sent it over unto the Ministers in London; under the Title: NEW AND REMARKABLE DISCOVERIES OF THE SPIRIT OF QUAKERISM." 7 *Mass. Hist. Colls.*, VII, 571.

During the progress of these events the Quakers of Massachusetts had not been idle. Tho interested primarily in the Massachusetts legislation,[67] the Friends of Lynn threw themselves heartily into resistance to the Connecticut heretic law, and the New England meetings together sent twenty-four pounds to aid in securing its disallowance.[68] In 1706 the London Meeting for Sufferings was beginning to take up with the Board of Trade the further disabilities of the New England Quakers in both Connecticut and Massachusetts but was for a time delayed by the Connecticut agent.[69] At this moment events occurred in Massachusetts which roused all the little meetings and carried the center of the struggle back to the New England shore.

The immediate cause of the rising of the little meetings of Massachusetts was the law of November 14, 1706. The weekly meeting which especially stirred itself was that of Little Compton whose relations with the Bristol Court of General Sessions were somewhat strained. This meeting, with an appeal to the Governor in mind, on December 3, 1706, applied to the Rhode Island Monthly Meeting of which it was a member; but the latter suggested that it would be better to delay matters until "sufferings were better put in order," and a concerted action possible.[70]

Representatives from Rhode Island Monthly now carried the idea to the Rhode Island Quarterly Meeting and there urged that all Friends be instructed to collect their sufferings "Especially wt is taken for ye Priest." Rhode Island Quarterly Meeting approved, and Richard Bordon was chosen to

Send to ye other monthly or Quarterly meeting in Newengland to doe ye Like; & So to bring in order Sd Sufferings to Rhoad Island yearly meeting

[67] *Lond. M. for Sufferings,* XVII, 257, 309, 321.

[68] This money was collected from Rhode Island, Salem, Lynn, Sandwich, Dartmouth, Scituate, and Boston. *Epistles Rec'd,* II, 27-30, Epistle from Lynn Mo. M., 12 Jan., 1707/08; *Lond. M. for Sufferings,* XIX, 65-66; *Dartmouth Mo. M.,* 27; *Salem Mo. M.,* 25; *R. I. Mo. M.,* I, 199, 200, 203; *N. E. Yr. M.,* 35-36.

[69] *Lond. M. for Sufferings,* XVIII, 179, 184, 230, 245.

[70] *R. I. Mo. M.,* I, 82, 184.

yt friends may fairly Apeal to ye Masetusus Governer & So for England if Acation be for Releaf.[71]

Salem Quarterly Meeting was the next to consider the situation. On April 7, 1707, it was ordered that some of its principal members send to England the law "lately mad for ye maintananc of there Priests" and all others of like nature, and appointed Samuel Collins and Walter Newbury, two of its prominent members, to "acquaint ye Governar of ye Sd Laws and there intentions before they send it for England."[72]

This committee, obedient to instructions, took up the task immediately, but the occurrence of the Yearly Meeting two months later made it possible for them, by carrying the matter to Rhode Island, to broaden their appeal, so as to involve a large part of the Quakers in Massachusetts, tho Richard Borden's independent work in the limits of the Rhode Island Quarterly Meeting was not included. The Yearly Meeting ordered the gathering of "an account of friends Sufferings ffor not paying the priest Ever since Governor Dudley hath Beene present governor for Reliefe and that to Bee done by the ffrst 2d daye of the next month and send in the Same to Walter Newberry, in order ffor him & Saml Collins to Laye before ye Governor ffor Releiefe."[73]

The work of Newbury and Collins when finally completed comprised a petition and a paper entitled:—"A True Accompt of the sufferings of the People Called Quakers. In divers parts of this her Majtys Colony of New England. for consienciously refusing to pay towards the Maintenance of their Priests."[74] It included the various recorded instances of distraint and imprisonment for priest's rates belonging chiefly to the towns of the Salem Quarterly Meeting, Lynn, Salisbury, Haverhill, Amesbury and Kittery with a few entries for Falmouth and Mendon of the Sandwich Quarterly. The sufferings of the Lynn

[71] *R. I. Quart. M.*, 47.
[72] *Salem Quart. M.*, I, 5.
[73] *N. E. Yr. M.*, 36.
[74] *Mass. Archives*, XI, 237.

Quakers in 1705 and 1706 were estimated at seventy-one pounds six shillings and five pence. The accompanying petition reminded the governor and council of their power to block this oppressive legislation and warned them that, unless something were done at Boston for the relief of Quakers, application would surely be made to England.[75]

While Dudley had no grudge against the Quakers, the Council was not very friendly. The cause had not yet become a vital issue. A delay was voted and objections raised. No promises were made.[76]

Immediately after this, difficulties in Bristol County became so acute that the Salem committee became unimportant and interest settled on the Rhode Island Quarterly Meeting for which Richard Borden was at work. The execution of the law of 1706 did, as we have seen, particularly affect the Quakers in the towns of Dartmouth and Tiverton; but it was not until September, 1708, that their affairs were taken up systematically by the society. At that time, in the Dartmouth Monthly Meeting, the "business concerning the Rate which is required of this town by the General Court or Assembly at Boston, part of which rate is supposed to be for the maintenance of a hireling priest," was referred to the Quarterly Meeting at Rhode Island and John Tucker, the leading Quaker of Dartmouth, was sent to Boston with a petition from the Dartmouth Friends to be laid before the governor.[77] In the following meeting Tucker reported that he had been at Boston but had not been able to get a satisfactory answer.[78]

In the meantime the Rhode Island Monthly Meeting had begun consideration of the similar situation at Tiverton, that town lying within its boundaries. The law of 1706 was denounced and a committee appointed to inform the governor in writing of the "detriment to Friends" caused by the law. It was to request relief and, should its

[75]This petition appears in full in *Mass. Archives,* XI, 235.

[76]*Epistles Rec'd,* II, 27-30, Epistle from Lynn Mo. M., 1707/08; *Lond. M. for Sufferings,* XIX, 66.

[77]*Dartmouth Mo. M.,* 43.

[78]*Ibid.,* 45.

petition be disregarded, threaten an address to the Queen.[79] At the following meeting Richard Borden reported that he and Joseph Wanton, another prominent Tiverton Quaker, had delivered the paper as ordered and had received from Dudley a verbal answer to the effect that they should have a hearing before the General Court. In this message there was nothing sufficiently encouraging to deter the meeting from ordering more lines, this time to be presented to the Rhode Island Quarterly Meeting, that with its sanction they might be sent to the governor as a second appeal.[80]

The two monthly meetings of Dartmouth and Rhode Island had made their independent appeals to Governor Dudley. Both had likewise referred the matter to the Rhode Island Quarterly in which they were represented. This meeting accepted its task and went promptly to work appointing Ebenezer Slocum

for to Speake with ye Govener of ye masathuset Bay, in behalf of ffrinds Concerning the Great oppresion ytt Is Likely to fall upon ffrinds In ytt Colloney by ye Priests Raits being Joyned In with ye gineral Publick Tax.[81]

This petition did little more than repeat what the Rhode Island Monthly Meeting had already written.[82]

Ebenezer Slocum found Dudley willing to give him a personal interview and distinctly friendly, as he had proved in his conversation with Borden and Wanton. While the governor was not able to effect any improvement in the situation, the lower house standing firm to the law of 1706, he took matters into his own hands to the extent of including in a letter to the Board of Trade a review of events in Dartmouth and Tiverton with an expression of personal opinion.

I thought it my Duty to Acquaint Your Lordships herewith, Expecting a Complaint thereupon, I am sorry for their Suffering though it be not upon the head of Religion, and am also sorry that they would be Assessors of the Tax to bring themselves into trouble, they think it hard to be Taxed

[79] *R. I. Mo. M.*, II, 15.
[80] *Ibid.*, II, 16.
[81] *R. I. Quart. M.*, 53.
[82] This petition appears in full in *R. I. Quart. M.*, 54.

to the Maintenance of the Ministry, and if those yt are Strictly of their profession were quitted it would be no great loss but it is Expected that if such an Indulgence be given, a great many will profess themselves Quakers, to quit themselves of this charge, as they have done from bearing Arms, and Many Villages in the Country would be left without any Publick Worship on the Lords Day. I humbly offer it to Your Lordships Consideration having no Interest in the Matter, but that Religion may be Maintained.[83]

The petition of 1708, tho failing to secure any relief to the Quakers, had gained something in this letter of Dudley's. Two other results accompanied it. The Quakers, convinced that nothing could be done through the local government, decided to carry out their alternative and make a vigorous application home to England to prevent the allowance of the law of 1706,[84] while the General Court, foreseeing this action, proceeded to draw up a memorial to be laid before the Queen justifying this legislation.[85] This lengthy document, which is a handbook of Massachusetts ecclesiastical orthodoxy, had practically no effect.[86]

The petition from the Quakers to the Queen, which was the third result of their solicitations at Boston in 1708, was temporarily delayed. The petition to the governor from the Rhode Island Quarterly Meeting had failed, and the following month saw the seizure by the sheriff of Bristol County and imprisonment at Bristol gaol of the neglectful assessors, Richard Borden of Tiverton and

[83]Dudley to the Board of Trade, 1 Mar., 1708/09, *C. O. 5, 913,* 113-114.

[84]*R. I. Quart. M.,* 55.

[85]*Mass. Archives,* XI, 279-280. The paper is entitled "A Memorial of the Governour Council & Assembly of Her Majties Province of the Massachusetts Bay in New England for their Vindication against the Suggestions and Insinuations of any who may accuse them of harshness and Severitys towards such as are of different perswasions from them in matters of Religion." An undated copy of this document is filed among the Board of Trade Papers for the years 1718-1720. *C. O. 5, 869,* No. 9.

[86]From a letter written by Dummer to Sewall (7 Dec., 1709) it would appear that it did little more than intensify the irritation which the Board of Trade felt toward Massachusetts. *Lond. M. for Sufferings,* XX, 11. The answer written by the Board of Trade to Dudley's letter of March 1, 1708/09, and sent to him Jan. 16, 1709/10, ignores the whole discussion.

Thomas Taber and Deliverance Smith of Dartmouth.[87] At this the Rhode Island Monthly Meeting of November 30, 1708, decided to give the governor one more chance; but in case he failed to answer their requests, the Quakers declared, "then this meeting Doth Continue . . . to write to the Queen."[88] At the following meeting the petition to the Queen was read, and ordered sent to England.[89]

This petition, which reached London in the spring of the following year, was given careful consideration by the Meeting for Sufferings. It was agreed, however, that instead of addressing the Queen it would be well to write once more to the Presbyterian and Congregational ministers of London.[90] A meeting between the delegation from the London Meeting for Sufferings, headed by John Field, and the Congregational ministers occurred in the latter part of November, 1709, and gave the Quakers good cause for encouragement. From the discussion which took place they were once more convinced that the English nonconformists had very little feeling of sympathy for their brethren in New England and "seemed Inclined to be Assisting to friends in Endeavouring to get yt Law Repealed wch friends complain of."[91] At a meeting in the following month the Quakers received the offer from the Congregationalists to write once more to New England urging that the annoyances of which the Quakers complained, might cease.[92]

[87]During the whole time of imprisonment of these men the Monthly Meetings of Rhode Island regularly arranged for the support of their families. Thomas Taber was a Baptist rather than a Quaker but was included in this benevolence. *R. I. Mo. M.*, II, 21; *Dartmouth Mo. M.*, 46-47, 49.

[88]*R. I. Mo. M.*, II, 19.

[89]*Ibid.*, 20.

[90]*Lond. Yr. M.*, IV, 58; *Lond. M. for Sufferings*, XIX, 296, 301, 307, 310.

[91]*Lond. M. for Sufferings*, XIX, 324.

[92]"Joseph Grove Reports his and some other friends being with the Independt Preachers according to appointment and were Civilly Treated by them—and they seem to shew their great dislike to their Brethren in New Englands proceedings agst our friends there—and offered their

Whether or not the dissenting ministers carried out their promise as they had on a previous occasion, an even more effective measure was taken by Jeremiah Dummer, at this time agent for Massachusetts. In consequence of the lengthy memorial from the General Court to the Board of Trade and the action in the London Quaker meetings which might end in a petition to the Queen, he wrote to Samuel Sewall, at this time a member of the governor's council in Massachusetts and Judge of the Superior Court at Boston. In this letter he reminded Sewall of the ill name which Massachusetts magistrates had with the government for their many independent actions, and suggested that the Queen would have little sympathy with dissenters for giving severe treatment to Quakers and Baptists who were looked upon in England as equal with the Presbyterians and Independents under the Toleration Act.[93]

The chief reason why the Quakers did not apply to the Privy Council in 1709 was that the very meeting which received the Rhode Island Monthly Meeting's petition learned also of the liberation of the imprisoned assessors. After dispatching to London their petition to the Queen, the monthly meetings of New England proceeded to take what measures they could for the immediate relief of the imprisoned assessors. The Dartmouth Monthly Meeting of January 17, 1708/09, sent John Tucker to Boston to ask for the release of the prisoners[94] and the results of his efforts were most satisfactory. Between the years 1706 and 1714 Tiverton was regularly, with the exception of the present year, assessed the sum of one hundred seventy pounds while Dartmouth was rated for an amount varying between three hundred forty-five pounds and three hundred seventy. The charges for 1708-1709 of two hundred pounds and four hundred thirty-seven pounds and eleven shillings

Assistance in writing over to them, to stop the prosecution agst our friends and one of their ministers that intends sudenly to goe over declar'd he would be assisting therein." *Lond. M. for Sufferings,* XIX, 331.

[93]Dummer to Sewall, 7 Dec., 1709, *Lond. M. for Sufferings,* XX, 11.

[94]*Dartmouth Mo. M.,* 47.

respectively showed therefore a ministerial rate of thirty pounds for Tiverton and about sixty for Dartmouth. The selectmen not only failed to assess the one hundred pounds extra but declined to have anything to do with the whole rate. Their imprisonment was therefore legal even without the ecclesiastical legislation of 1706. Through a compromise now effected the assessors of Tiverton agreed to assess the town's regular rates and the additional tax was removed "for the present."[95] In the case of Dartmouth the two assessors were unexpectedly discharged.[96]

The probable explanation of these events appears in a vote of the New England Yearly Meeting which soon occurred. Richard Borden and Thomas Cornell were appointed to write to Governor Dudley "a sallutation of Respects and acknowledgments of his severall ffavors and Kindnesses shewed unto our ffriends."[97] The Governor of Massachusetts had expressed in his attitude toward the Quakers in his province, the general policy of the Board of Trade as well as what was probably his own personal sympathy. It is significant that the next serious troubles between the Massachusetts authorities and the Quakers of Dartmouth and Tiverton did not occur until after the death of Queen Anne and the removal of Dudley.

In 1715, the year of Lieutenant-Governor William Tailer's authority, the Quakers became much concerned upon learning that the Massachusetts Church was taking means to secure governmental sanction for holding a synod, as had been done in the early days of the colony. In this attempt the New England Yearly Meeting saw on the part of the ministers a determination to have the Congregational Church receive more legal recognition. To them it seemed that an act of the legislature, giving the right to hold such a synod, upon receiving royal allowance, would

[95] *Mass. Prov. Laws,* IX, 47, ch. 124.

[96] *Dartmouth Mo. M.,* 47-48, 49; *Lond. Yr. M.,* IV, 58.

[97] *N. E. Yr. M.,* 52. Further Quaker approval of Dudley may be found in *Epistles Rec'd,* II, 29-30, Epistle from the Lynn Mo. M., 1707/08; *ibid.,* II, 63-64, Epistle from the N. E. Yr. M., 1708; *Lond. Yr. M.,* IV, 58. A different view is taken by Palfrey, *New England,* IV, 449, note.

make the Congregational Church the true established church of Massachusetts, like "Presbitery . . . in North Britain,"[98] as they argued it had never really been. A memorial from the Congregational ministers was before the upper house on May 31 when it was voted by the councilors "That the Synod and Assembly above-mentioned, is agreeable to them, and the Reverend Ministers, are Desired to take their own time for the said Assembly." On June 1 it was concurred in by the Representatives.[99] The Yearly Meeting which now opened its sessions appointed a committee to watch the progress of the ministers' memorial and if necessary, inform the London correspondents, that they might prevent the allowance of any such law.[100] The London Meeting for Sufferings, upon receiving this information, was on the alert[101] but action was unnecessary, as Increase Mather opposed the synod in an address to the House of Representatives and it was never authorized.[102]

The law of November 14, 1706, was enacted for seven years only. If the English crown had seen fit to order it disallowed when addressed in 1708, or if the Massachusetts General Court had been willing to let it lapse when its time was run out, the stirring events among the Quakers which began once more in 1717 and culminated in an appeal to the Privy Council in 1723 would never have occurred. The legislation of 1706 was practically repeated in 1715, and the law of 1715 was reenacted in 1722. While the legislation

[98] *Lond. M. for Sufferings,* XXII, 125.

[99] *House Journal, 1715,* 8.

[100] *N. E. Yr. M.,* 90; *Epistles Rec'd,* II, 186, Epistle from N. E. Yr. M., 1715.

[101] *Lond.* Yr. M., V, 155-156; *Lond. M. for Sufferings,* XXII, 125, 127. "Our friends of New England had but too much Reason for giving us a hint of their design Because ye Ministers and Elders of Boston had concerted Such a Project among themselves and That Cotton Mather & Ebenezer Pemberton, Two of their Preachers had agreed to undertake the voyage as agents; But when they came afterwards to lay their Intentions before the Assembly, such Reasons were there offered against it, yt it was Quasht, at least for the present." *Lond. M. for Sufferings,* XXII, 230; *Epistles Sent,* II, 238; *Lond. Yr. M.,* V, 220.

[102] *House Journal, 1715,* 17, 18.

of 1715 continued the chief provisions of the law of 1706, it was not followed, as in 1708, by a strict application. For this reason it aroused little immediate excitement among the Quakers. The first evidence we have that they had discovered the act of 1715 is in the action of the Dartmouth Monthly Meeting of May 20, 1717, when a committee was chosen

to Draw up some account to Walter Newbury Concerning a Late act for ye maintenance of ministers and Desire him to take ye said act along with him to Old England and deliver it to John Whiting or some other friend yt he shall think suitable.[103]

It was at this same time that the affairs of Dartmouth Quakers were again before the General Court. Peleg Slocum and John Tucker owned land on the Elizabeth Islands and were accordingly rated to the minister of Chilmark, in the boundaries of which town it was located, altho both men resided on the mainland and hence far from Martha's Vineyard.

Not only did the two men petition the General Court but the Yearly Meeting[104] also addressed a representation to the governor who was now His Excellency Samuel Shute. The Council, perhaps realizing from the affair of 1709 what the course of events might be, voted a hearing for the following session, all prosecution to cease in the meantime. But the House of Representatives, when finally forced to consider the case, proceeded to vote a dismissal of the whole affair. Even when the minister and town of Chilmark went so far as to ask that the estates of Slocum and Tucker might be exempted from paying toward Chilmark's ecclesiastical charges and the Council was ready to grant this request, the lower house met the situation with a twice repeated "non concurred."[105]

The result of the events of 1717 was that the Quakers of New England in the following year once more took up

[103] *Dartmouth Mo. M.*, 115.

[104] *N. E. Yr. M.*, 98, 99; *Epistles Rec'd*, II, 211, Epistle from N. E. Yr. M., 1717.

[105] *House Journal, 1717*, 21, 24, 25, 27.

their problem of relationship to the established system of the province. Their work so far had shown no lack of energy. Beginning with the systematic recording of sufferings and an endeavor to discover the constitutional basis of the laws of which they complained they were soon pouring applications for redress before the governor of the province and the London Yearly Meeting. Several formal petitions to the Queen in Council had crossed the water; but the English Quakers for one reason or another had failed to push these, tho always ready to do what they could for the New England meetings. As a matter of fact, whatever the New England Quakers did before 1718, tho sincere and strenuous, was accomplished largely through individuals or the smaller meetings, and lacked system. The work done in and after 1718, altho it was started by the separate appeal to Boston by Slocum and Tucker, was based on a new theory. All efforts were to center in the Yearly Meeting and by it a common treasury for this special end was organized, to back up a petition to the crown in England.

This policy is recorded in the minutes of the New England Meeting.

The Consideration of the Contineued Sufferings of ffriends Under the Prisbeterian, or Independiant Priest; haveing taken hold of this meeting; it is agreed that ffriens doe as soone as with Conveniency they Can wright to our ffriends in great Brittain Requesting Their Endevours ffor ouer Relief in that Case and In order to Carey on Said business; and to Deffray the Charge thearof it is agreed that the Quarterly meeting of Rhoad Island doe Colect the Some of thirtey pounds; & ye Quarterly meeting of Salem the Some of ffifteen pounds & ye Quarterly meeting of Sandwich & Sittuat the Some of ffifteen pounds; and when Colected to be ordered into the hands; of John Wanton & Thomas Richardson; they to remit Ye Same home in ye best method thay Can and this meeting will Supply with more money ffor that Sarvice if wanted; and Said John Wanton & Thomas Richardson are desired to Take Ye management of that Affair Uder their Ceare—[106]

Not waiting for this committee to act, the writers of the epistle to London included in their letter a statement of the case and the request that the London Meeting should

[106] *N. E. Yr. M.*, 102.

immediately take up the same with the government.[107] The official communication from the New England Yearly Meeting to the London Friends, by the hand of Thomas Richardson, was dispatched two months later. In it special emphasis was laid upon the sixty pounds which the meeting was then raising to help defray the expenses of an application to the crown.[108]

According to the order of the Yearly Meeting and the promise of Richardson to the London Friends, the three quarterly meetings of New England went systematically to work to raise the sum of sixty pounds agreed upon as a necessary beginning. In its meeting of July 11, 1718, the Rhode Island Quarterly apportioned its thirty pounds among its five monthly meetings, asking Rhode Island to contribute ten pounds, Dartmouth the same, Greenwich three, Providence two and Nantucket five.[109] Dartmouth and Rhode Island, the two meetings which had felt most keenly the weight of the Massachusetts law, each voluntarily contributed an extra forty shillings.[110] While there was somewhat less enthusiasm outside of the bounds of the Rhode Island Quarterly Meeting, by the beginning of 1719 the sum of sixty pounds two shillings and six pence had been collected and was dispatched by Richardson to England.[111] Tho the English Friends had so far failed to answer the earlier letter dated in August, that Richardson, when he consigned the money in January, 1719, begged for some word,[112] later events proved that the Londoners were not idle. In fact the answer of the London Yearly Meeting was already on its way to Massachusetts.[113]

The London Meeting for Sufferings of November 28, 1718, had considered the Yearly Epistle from New Eng-

[107] *N. E. Yr. M.*, 101, 103; *Epistles Rec'd*, II, 239, Epistle from N. E. Yr. M., 1718; *Lond. Yr. M.*, V, 363.

[108] *Letter Book of Thomas Richardson*, II, 158-159.

[109] *R. I. Quart. M.*, 96.

[110] *Ibid.*, 99, 100.

[111] *N. E. Yr. M.*, 104.

[112] *Letter Book of Thomas Richardson*, II, 181-182.

[113] *Epistles Sent*, II, 285, Epistle to N. E. Yr. M., 1718.

land with its account of sufferings and promise to send money for an application to the government, and appointed a committee to consider the situation.[114] The report which was brought in one month later so far assured the meeting of the injustice of the Massachusetts law that an immediate agreement was reached to appeal to the government.[115]

Through the rest of 1718 and the following year this committee was retained on the New England affair, and by May, 1719, had progressed so far as to have read in the Privy Council a petition which it had drawn.[116] As in the previous petitions to the Governor and Council of Massachusetts the Quakers here set forth

> the great hardships they suffer by not paying the Demands of the Priests there [and humbly prayed] in regard the Charter granted to that Colony by King William, Allows a free Exercise and Liberty of Conscience to all subjects that should settle there (except Papists) That His Majesty will Commisserate their Case, and Direct the Governor of said Province to Relieve Them herein.

This petition was referred to the Board of Trade May 26, 1719.[117]

At this point it was suddenly dropped as the result of information given the London Friends by one of the Massachusetts agents. From him the English Friends heard that the local government was contemplating some sort of legislation for the relief of Quakers,[118] and decided that before going farther they would investigate this rumor. A letter was written to New England asking that the matter be looked into; and the Rhode Island Quarterly Meeting responded by sending John Wanton and Thomas Richardson to consult with Thomas Fitch and Jonathan Belcher of the Governor's Council.[119] It was probably at their suggestion that the Rhode Island Quarterly Meeting imme-

[114] *Lond. M. for Sufferings,* XXII, 341-342.

[115] *Ibid.,* XXII, 342, 356; *Epistles Sent,* II, 285.

[116] *Epistles Sent,* II, 295, Epistle to N. E. Yr. M., 1719.

[117] *Acts of the Privy Council,* II, 761.

[118] *Mass. Prov. Laws,* II, 270.

[119] *R. I. Quart. M.,* 104. It is difficult to discover how much Belcher did for the Quakers at this time.

diately voted to send a delegation to the General Court at its opening once more to state the case.[120] This order was approved by the Yearly Meeting[121] and an elaborate petition drawn up which was before the Council on July 21, 1720.[122]

The Council went so far at this time as to appoint a committee "to Consider what may with Justice & due Regard to the Laws of this Province be done for their Ease, And more especially to prevent their being oppressed upon any Distress made upon their Estates," while further discussion was postponed until the following session.[123] In all the House concurred.

While the Council was now ready to be conciliatory, the Assembly was still opposed to any great concessions and the following months were disappointing to the New England Meeting. Wanton and Borden were retained as a committee but repeatedly reported lack of success in Boston.[124] The following year (1721) saw the second appointment in the Council of a committee,[125] which went even farther than its predecessor in suggesting a method for relief of Quakers. Constables or collectors were to be "obliged to take as near as may be the Value of the Sum or Sums assess'd," and in case of seizure of stock and a disagreement concerning the value, after an interval of four days, during which time the charge of keeping was to devolve upon the owner, the assessors of the town were to appraise the same, the constable to accept this decision and return the overplus "after the necessary Charges of Taking & Keeping the same are deducted." Poor compromise tho it was, it savored far too highly of a leniency to-

[120] *R. I. Quart. M.*, 105.

[121] *N. E. Yr. M.*, 108; *Epistles Rec'd*, II, 291, Epistle from N. E. Yr. M., 1720.

[122] *Mass. Prov. Laws*, II, 270.

[123] *Ibid.*, II, 270; *Lond. M. for Sufferings*, XXIII, 78-79.

[124] *R. I. Quart. M.*, 114, 115; *Epistles Rec'd*, II, 312-313, Epistle from N. E. Yr. M., 1721.

[125] *Mass. Prov. Laws*, II, 270.

ward irreligion to find favor in the lower house. The Representatives failed to concur.[126]

At this Dartmouth called a town meeting, voted to assess only that part of the province rate which excluded the one hundred pounds additional, sent an agent to state the case before the General Court and agreed that any troubles to which the selectmen might be put by reason of the town's vote regarding the tax should be met by a town rate.[127] When Dartmouth's petition secured the attention of the General Court on December 26, it was again received favorably by the Council which recommended a discharge of the whole matter if Dartmouth would pay the amount assessd upon her in the previous year; but the lower house, unwilling to concur, allowed the case to run over to the following session.[128]

As a result of Dartmouth's town vote her province rate remained partly uncollected, and in May her assessors, John Akin and Philip Taber, were arrested by the sheriff and carried to Bristol. There they met Joseph Anthony and John Sisson of Tiverton who, as assessors of that town, had had an experience much like that of the Dartmouth men.

The divergent opinion between the Council and House of Representatives which had already manifested itself appeared even more strongly exhibited in the summer of 1723, in a dispute between the two houses, respecting the tax bill for this year. The Council, in considering the petitions from Dartmouth and Tiverton, paid careful attention to technicalities in the laws of 1692 and 1715. The result was an important decision in the case of each town. The laws, so said the Council, directed how ministers should be chosen; viz. either by the church with sanction of the town, or in case they be negligent, then by the general sessions of the peace which should provide and settle

[126]*Mass. Prov. Laws,* II, 270.

[127]Potter, *First Cong. Soc. of New Bedford,* 26; *Mass. Prov. Laws,* II, 271.

[128]*Mass. Prov. Laws,* II, 271.

an orthodox minister. Only after they had done this and found their orders eluded, might they represent the matter to the General Court which should then settle and provide for a minister by assessing a rate additional in the province tax. In applying these laws the Council concluded that it did "not appear That the Sessions of the Peace for the County of Bristol ever appointed and sent a Minister to Tiverton," and until that step should be taken it did not seem to the Council lawful that the General Assembly should appoint a minister as they had attempted to do. In the case of Dartmouth it was discovered that while the town had an orthodox minister he had never made any contract with the town for his maintenance and the General Sessions of the Peace had never made any order on the town for his support, "Nor could they by Law, until the sd Minister had made a Complaint," which he had never done. In view of this decision the Council could not think it right that Dartmouth or Tiverton should be assessed in the coming tax bill beyond what was their proportionate rate with the other towns.[129]

In spite of this decision victory went to the lower house. Just two days later the Representatives were busying themselves over the ministry in Dartmouth and Tiverton. The sum of one hundred pounds was voted to Samuel Hunt of Dartmouth from the province treasury, which sum was to be added to Dartmouth's proportion in the province tax for 1723.[130] Tiverton, still neglectful and refusing to settle an orthodox minister, was to be provided with one by order of the General Court, and his salary of seventy-two pounds and eleven shillings was to be paid and raised in similar manner.[131] With both resolves the Council now concurred, for one of its technical objections to previous measures had been obviated. The House of Representatives in its order placed the execution of the law in both instances upon the justices of the county of

[129] *Mass. Prov. Laws,* II, 271.
[130] *Ibid.,* II, 272; X, 316, ch. 77.
[131] *Ibid.,* II, 272; X, 317, ch. 78.

Bristol; and on the following day passed the tax act of 1723 with its large rates additional on Dartmouth and Tiverton.[132]

In the meantime the court of general sessions had been busy enforcing previous legislation. When this law was passed the Dartmouth and Tiverton assessors had already been in Bristol gaol a month for their failure to assess the province rate for 1722. In fact on the very day that the General Court passed the tax bill for 1723, it was called on to consider two petitions, one from Dartmouth and one from Tiverton, asking that these assessors might be released upon payment of the proportionate rates of those two towns. In both cases the Council voted a hearing on the whole case for the fall session, with the immediate release of the prisoners upon promise to return. Once more the House asserted itself as upon previous occasions and refused to concur.[133] This action upon the part of the lower house proved to be the decisive stroke with the Quakers. For a quarter of a century they had been pouring their woes into the ears of Governor, Council, and House of Representatives. On numerous occasions the governors had shown kindness and made promises; in the last few years the Council had given signal evidence of a desire to concede; but no impression had been made on the representatives of the towns of the province who, in this matter which involved a religious question, showed their provincialism even more strongly than in the consideration of other matters which were of greater concern to the royal governors.

The time for an appeal to England was now ripe. We have traced the close relation between the London and the New England Friends during this period and have seen how much Richard Partridge and his associates had already done, especially in the year 1719, and how the matter had been dropped in anticipation of what the local government might be willing to do. When the Friends of New

[132] *Mass. Prov. Laws*, II, 293, ch. 8.
[133] *Ibid.*, II, 272.

England resolved once more to make application to the crown it was with the determination to send an agent to England, well armed with authority and funds, who should push the matter until some definite result should really be accomplished.

The agent chosen by the New England Yearly Meeting to present the case of the Dartmouth and Tiverton assessors in London was Thomas Richardson of Newport who in the spring of 1723 was making preparations for a voyage to England.[134] Richardson was to explain the whole situation to the London Quakers and urge them to renew their earlier efforts, with the understanding that the New England Yearly Meeting would continue to back them financially in anything which they would undertake.[135]

Richard Partridge of London was no sooner apprised of the further application which the New England Friends were making than he began to take necessary measures. There was certainly no man in England better able, in training and in interests, to carry the wishes of the Massachusetts Quakers before the Privy Council and the Board of Trade, than Richard Partridge. Born and educated in New England, he was well acquainted with the ecclesiastical system of Massachusetts; an important member of the Society of Friends in London, he had the interests of its people at heart. Of the greatest value was his position as a colonial agent, who had for years been dealing with the various branches of the government, especially those which handled colonial affairs. The appreciation which Partridge had of the value and best use of money in bribes and fees, his employment of the right persons and his constant presence on every occasion to see that his case was not allowed to drop:—these were the means by which the Order in Council of June 2, 1724, was gained.

During the entire time when Partidge was at work on the New England affair, he had the constant support of the London Meeting for Sufferings which advanced money

[134] *R. I. Mo. M.*, II, 211, 212.
[135] *N. E. Yr. M.*, 119.

and voted him an able committee to assist with the work.[136] As soon as Thomas Richardson, the New England Quakers' agent, reached England, he was associated with Partridge; but in all matters the latter was leader.

Before Richardson's arrival Partridge had interviewed Chief Justice Weargs for advice as to the best way to proceed[137] and had secured John Sharpe as attorney to prosecute the case. It was Sharpe who drew up the petition and on October 21 succeeded in having it put in the paper of business which the Privy Council was to take up on the following day.

Accordingly it was on October 22 that the petition which Richard Partridge and Thomas Richardson presented, in behalf of the four imprisoned assessors of Dartmouth and Tiverton and also the Quakers in general, was first taken up by the Privy Council and was on that day referred to committee.[138] The details connected with the actions of Partridge and his associates in succeeding months are of value in the light which they throw upon the ways and methods by which the disallowance of colonial legislation was secured. As the case was passed from Privy Council to committee, from committee to the Board of Trade, and from the Board of Trade to the Board's attorney, Richard West, and back again, it was followed ceaselessly by Richard Partridge and Thomas Richardson, the auxiliary committee of the London Meeting for Sufferings, and John Sharpe, the Quakers' lawyer.[139] Richard West in drawing up his opinion summoned Sanderson and

[136] *Lond. M. for Sufferings,* XXIII, 346, 347, 349.

[137] *Moses Brown Papers,* "Papers regarding imprisonment of Quakers."

[138] *Acts of the Privy Council,* III, 58. This famous petition may be found in contemporary manuscript form in the *Mass. Archives, Board of Trade Papers, Moses Brown Papers, Book of Cases.* It has been printed in Backus, *Baptists,* Gough, *Quakers,* Hallowell, *Pioneer Quakers,* and elsewhere.

[139] The important documents belonging to this case are printed in *Mass. Prov. Laws,* II, 273, 277; additional documents of interest are among the *Moses Brown Papers,* entitled "Papers regarding imprisonment of Quakers." See also *Acts of the Privy Council,* III, 58, 59.

Dummer to present the side of the Massachusetts General Court, and Sanderson and Sandford with Bampfield as their attorney appeared on the day of the hearing before the Board of Trade. The journals kept by John Sharpe and Richard Partridge in connection with their accounts of expenditure show just when their presence was most needful to keep their case in the business of the meetings, and at what points it was necessary to pay the largest fees. Before submitting his opinion on the tax act Richard West received four pounds and five shillings. On the eve of the final hearing before the Lords Committee, when only counsel could argue, Partridge paid ten pounds and fifteen shillings each to the attorney and solicitor-general and thirteen pounds two shillings and six pence to Talbot. These methods brought the success on which Partridge was determined. The first report rendered, that of Richard West, on the tax act of 1722 in point of law, was not altogether encouraging. In this act West saw nothing unconstitutional, as nothing upon the face of the act indicated that the additional sums levied upon Dartmouth and Tiverton were for the support of the ministry. The report of the Board of Trade, tho based upon this, was more satisfactory. The tax act of 1723 had been unofficially reported to the Board and the latter was quite ready to take exception to it.

> We think it our duty, [wrote the Lords of Trade] to represent to Your Excelcys that by the Charter granted to the Massachusets Bay, the foundation of this Colony was laid in an absolute & free liberty of conscience for all Christian Inhabitants there, except Papists, But the *Presbyterians* having absolutely the ascendant in the Assembly of this Province, have assum'd to themselves the authority of an established Church, and would compel the Quakers even in the Towns of Dartmouth and Tiverton, where they are infinitely the majority, to pay a large maintenance to Presbyterian Ministers, whom they call Orthodox, for the service of some few Presbyterian Families only.

When the act of 1723 made its official appearance, the Board stood by this statement of opinion and recommended its disallowance. Altho the Lords of Trade were repeating West's legal opinion in replying to the order of the com-

mittee of the Council, this statement was obviously favorable to Quakers. The Lords Committee went one step farther. On the ground that the additional sums were in fact illegal in spite of the act's containing nothing on its face to prove them so, and that the legal taxes of 1722 were now already collected and could not be affected by a disallowance, they recommended that the act be disallowed. During the whole procedure the Massachusetts General Court had made a poor showing. Its agents had been sent no instructions and, not knowing how to proceed, had thrown their efforts into causing a delay. Not until the day of the hearing before the Board of Trade did the General Court take up the matter, at that time ordering instructions sent to the Massachusetts agents in London for the defense of the province; but it is doubtful whether they were ever prepared.

The official arrival of the Massachusetts tax act of 1723, during the course of proceedings, sent Partridge back to the Board of Trade to hurry it on to the Privy Council,[140] but the final Order related only to the earlier act.

This Order in Council of June 2, 1724, was triumphantly reported to the London Meeting for Sufferings of July 3[141] and sent off to New England. Tho the order therefore reached the Lieutenant-Governor of Massachusetts in a roundabout way, it was given full value.[142] Governor and Council ordered the sheriff of Bristol

[140] *Acts of the Privy Council,* III, 59; *Mass. Prov. Laws,* II, 277; Backus, *Baptists,* I, 504; 6 *Mass. Hist. Colls.,* II, 170-171, Sewall's Letter Book.

[141] *London M. for Sufferings,* XXIII, 402.

[142] The Quakers were in too great haste to wait for a delivery by the government as this might mean further delay. It is probable that the order was brought to Rhode Island by Thomas Richardson. It was placed in the hands of "one of the assistants" of Rhode Island who in turn gave it to Charles Church, Sheriff of Bristol County. Church submitted it to the Lieutenant-Governor and received his orders. *Lond. Yr. M.,* VI, 301; 6 *Mass. Hist. Colls.,* II, 171, Sewall's Letter Book; *Moses Brown Papers,* "Papers regarding imprisonment of Quakers:" *Epistles Sent,* II, 378-379.

County[143] to see it carried out; and Joseph Anthony, John Sisson, John Akin and Philip Taber, after an imprisonment of fifteen months, were set free.

This was the literal fulfilment of an order which related only to the tax act and imprisonment of 1722. The bill of 1723, passed in June and definitely stating the reason for the high rate on Dartmouth and Tiverton, had been followed by the imprisonment of delinquent assessors far more speedily than its predecessor. Jacob Taber and Beriah Goddard, assessors of Dartmouth, failed to make the rate on their town.[144] Tiverton had neglected to qualify any assessors whatsoever.[145] In August, when the order came for the release of the prisoners of 1722, the Massachusetts government showed no inclination to be more liberal than necessary. Taber and Goddard had been in Bristol gaol almost nine months,[146] but were obliged to see the others depart without them. Their release which came in November was the result of a petition from Henry Howland, the third of Dartmouth's selectmen, who explained that he was unable to do his duty in making assessments or performing the other functions of his office because of the absence of his colleagues. The committee of the upper house to which the matter was referred returned a significant report.

That whereas His Majtys Royall Pleasure has been lately signified to this Government for remitting the Additional Tax of the same Nature with this withinmentioned laid by the Genll Court upon the Towns of Dartmouth & Tiverton in the Year 1722 & for releasing from Imprisonment

[143]The expenses incurred by Charles Church, sheriff of Bristol County, in committing the assessors of Dartmouth and Tiverton to gaol in the two years 1722 and 1723 amounted to 8 pounds and 7 shillings. In June, 1724, the General Court ordered the general sessions of the peace to take this account into consideration, and in November, 1725, allowed the sum from the province treasury. *Mass. Prov. Laws,* X, 457, ch. 68; 650, ch. 198.

[144]The warrant for the arrest of Taber and Goddard is preserved among the *Moses Brown Papers.*

[145]*Mass. Prov. Laws,* X, 441, ch. 26; 457, ch. 68.

[146]The financial assistance which the Dartmouth Monthly Meeting voted to John Akin and Philip Taber was repeated for Jacob Taber and Beriah Goddard. *Dartmouth Mo. M.,* 183.

the persons committed to Gaoll on the same account on which the persons withinnamed were committed, It may be therefore adviseable for this Court to testify their ready & dutiful Compliance with His Majties declared Will and Pleasure in this Matter, by ordering that the Said Jacob Tabor & Beriah Goddard be released from Imprisonment, Upon the said Tabor & Goddard's paying or giving Sufficient Security to the province Treasurer for the payment of the Sum of £81.12/, laid on the said Town as their proportion of the province Tax for ye year 1723.[147]

In Tiverton further trouble was averted by the failure of the General Court and the Bristol justices to keep a minister in the town for any length of time. Theophilus Pickering who was procured in 1722 was paid in two instalments the seventy-two pounds eleven shillings promised him,[148] but left "after a Years Trial being Discouraged by the preverse and Untractable Temper & Carriage of the Said people."[149] In 1723 the General Court was unable to find anyone.[150] This failure ended the immediate quarrel of the authorities with the town for it was now ordered that the treasurer of the province receive the sum of twenty-seven pounds nine shillings as Tiverton's tax for the year.[151] This was the last attempt which the General Court made to establish or assist orthodoxy in Tiverton. Dartmouth had at least two more grants, one of thirty pounds in 1724 and another in 1725, but these sums were not added to the province tax.[152]

The Quakers and Baptists had won their case. There was no further attempt by the General Court to add ministerial rates to a town's province tax. The next efforts of the dissenters were directed toward procuring laws which should make it unnecessary to pay ministerial charges even when they were, as normally, a part of the town rate.

[147] *Mass. Prov. Laws,* X, 498, ch. 191; *Lond. Yr. M.,* VI, 299; *Lond. M. for Sufferings,* XXIII, 437-438.

[148] *Mass. Prov. Laws,* X, 387, ch. 308.

[149] *Ibid.,* X, 458, ch. 69.

[150] *Ibid.,* X, 317, ch. 78; 387, ch. 308.

[151] *Ibid.,* X, 458, ch. 69.

[152] *Ibid.,* X, 541, ch. 311; 598, ch. 62.

Thomas Richardson, returning to New England soon after the important June 2, when the Order in Council was secured, carried with him the large bills of expense which he and Partridge had been obliged to incur in pursuing their object. The total amount was one hundred fifty-eight pounds fifteen shillings and five pence.[153] Richard Partridge soon afterwards wrote that if further solicitations in England were desired more funds would be needed.[154]

In succeeding months the General Court, altho the Order in Council was obeyed, and even the prisoners of 1723 discharged, was not inclined to go farther with the laws which the Quakers demanded. As a result the former troubles continued. The ministerial rate was assessed with the town charges and the constable was under obligation to collect, distrain, or imprison as need be. Especially in the vicinity of Dartmouth, where the recent success of the Quakers had caused much feeling, difficulty was inevitable and the old question between the land owners of the Elizabeth Islands and the town of Chilmark was revived. Peleg Slocum and John Tucker, whose case had been carried to the Assembly seven years before, were again under the law. Upon their failure to pay a rate for building a meeting house in Chilmark, John Mayhew, constable of the town, seized eighty sheep belonging to Slocum and a horse and a heifer which were the property of Tucker. The sheep sold for seven pounds more than the demand, and Tucker's property for five pounds in excess, so that the usual complaint of exorbitant distraint was entered.[155] A rumor of this incident reaching the Rhode

[153]The largest item, John Sharpe's account, was 57 pounds 3 shillings 3 pence toward which Partridge had paid 15 pounds 15 shillings in April, leaving a balance of 41 pounds 8 shillings 3 pence. To the Clerk of the Council had been owing 30 pounds 8 shillings 6 pence. The rest was due Partridge. The New England Yearly Meeting had already paid 91 pounds 18 shillings 11 pence, and the London Friends 20 pounds 17 shillings 9 pence, leaving only the small remainder of 4 pounds 10 shillings 6 pence. *Moses Brown Papers.*

[154]*R. I. Quart. M.*, 139.

[155]*Dartmouth Mo. M.*, 182-183.

Island Quarterly Meeting, it was ordered immediately, that an exact account of the matter be prepared, as agitation was already beginning for another mighty effort to be released from the "oppression of Prebyterian &c. Priests."[156]

This was the situation confronting the Yearly Meeting when in June, 1725, it met at Newport. Thanks were first of all voted to the London Friends whose energy had secured the Order in Council of the previous year with the added request that they return the New England Meeting's hearty acknowledgment to the King for this favor.[157] In considering sufferings, "all on Accott of Priests Rates and building their Meeting hous at Chilmark," it was agreed that the London Friends had been so much more successful than the petitioners at Boston that the account of this situation, no more trivial than the troubles of Akin and Taber, should be sent to England. But in the message which John Wanton and Thomas Richardson were requested to send to Richard Partridge, they were to state that if money was needed for further solicitation, as he had warned them it would be, he was to take it on interest until the Yearly Meeting could make him a remittance.

Experience had shown the New Englanders that progress through the various bodies in England dealing with British colonial government was so slow that, if immediate relief was to be gained, it must be through the authorities at Boston. Accordingly another committee was asked to travel to Boston as speedily as possible, apply to the General Court, and report their success to John Wanton and Thomas Richardson that it might be included in the letter to Partridge.[158]

Results were not so gratifying as to deter the English Quakers from complying with the request of the Dartmouth Friends. On the second of September, just three months after the Yearly Meeting had sent its message, and

[156] *R. I. Quart. M.*, 138.
[157] *Epistles Rec'd*, II, 378, Epistle from N. E. Yr. M., 1725.
[158] *N. E. Yr. M.*, 122.

four days after the London Meeting for Sufferings had made him head of a committee,[159] Partridge was again before the Privy Council. On this day the register records reference to committee of the

petition of Richard Partridge on behalf of Peleg Slocum, John Tucker, and other Quakers, inhabitants of Massachusetts Bay,] who are under Severe Sufferings for Conscience Sake, praying the Repeal of such Laws past in that Province as Directly or Consequently affect the Liberties, Properties, Religion or Consciences of His Majestys Protestant Subjects in the said Province, etc.[160]

The fate of this petition was not due to lack of funds[161]

[159] *Lond. M. for Sufferings,* XXVI, 22-23.

[160] *Acts of the Privy Council,* III, 121.

[161] The money which the New England Yearly Meeting of 1725 told Richard Partridge to take on interest until it could be raised in New England Partridge advanced himself, and by June, 1725, the New England collectors had sent him 120 pounds. As more was still needed the New England Yearly Meeting of 1726 voted 150 pounds additional which was apportioned, 100 pounds to Rhode Island Quarterly, 20 pounds to Sandwich and Scituate, and 30 pounds to Salem. *N. E. Yr. M.,* 125, 127; *Dartmouth Mo. M.,* 185, 189; *Epistles Rec'd,* II, 386, Epistle from N. E. Yr. M., 1726. The money was assessed by the several quarterly meetings on their monthly meetings and by the latter upon the weekly meetings. *R. I. Quart. M.,* 144.

A little later someone conceived the idea of making a generous gift in money to Partridge to express the appreciation of the New England Yearly Meeting. The idea was adopted at the Yearly Meeting of 1728 which also apportioned the sum on the quarterly meetings, the latter continuing the method as before. *N. E. Yr. M.,* 132. The amount (60 pounds) was assessed as follows:—

R. I. Quart., £40	R. I. Mo.	£24	
	Dartmouth	£10	
	Nantucket	£6	
	Providence	0	omitted because not affected by Massachusetts law.
	Greenwich	0	
Sandwich & Scituate £8	Sandwich Mo.	£5 5/	
	Scituate	£2 15/	
Salem £12	Salem Mo.	£5	
	Hampton & Amesbury	£3 10/	
	Dover	£3 10/	

It was all reported paid by June, 1729. *N. E. Yr. M.,* 135, 136; *Mo. M. Book of Scituate, Marshfield and Duxbury,* 59; *R. I. Quart. M.,* 154-155; *Sandwich Mo. M.,* 127; *Salem Quart. M.,* II, 7; *Salem Mo. M.,* 88 b.

or of interest[162] or even Quaker influence, but to the political situation in England. In the London epistle to Rhode Island of September, 1726, the London Quakers wrote:

As to ye Sufferings ffriends are still under in the Massacusets Government on account of Priests maintenance, there has been some steps taken in Order to obtain a more General Ease, in that Case, which at present lyes for a more suitable Opportunity to prosecute it in, and then we hope ye Necessary care will not be neglected.[163]

A year later they were still saying that "the present state of publick affairs will not allow us to move for anything of this Nature."[164] The end of George I's reign had come very inopportunely for the Quakers. Since 1723 a change had come over the British Board of Trade in the appointment of the Duke of Newcastle as Secretary of State, for his assumption of control in colonial affairs was removing authority from the Board. In spite of the close relation between the Quaker body and both Walpole and Newcastle, it was impossible to accomplish anything during the stress of circumstances attending the close of George II's reign, as the Whig leaders were engaged in the vital issue of maintaining control of the government.

The failure of the London Meeting to succeed with the petition of 1725-1727 turned responsibility back upon the New England Yearly Meeting, altho it was known that the London Meeting planned to renew its application when a suitable season appeared.[165] Sufferings in Massachusetts continued[166] and resulted in the further work of Joseph Wanton and Richard Borden before the General Court.[167] Funds for their work were voted by the Yearly Meeting[168]

[162]The London Meeting for Sufferings listened to the report of progress which Partridge submitted on September 3, 1725, the day following his visit to the Council, and brought the matter up at each meeting through the five following weeks. *Lond. M. for Sufferings,* XXIV, 23, 24, 26, 28, 29, 31; *Epistles Sent,* II, 392. See also *N. E. Yr. M.,* 130, Epistle to London, 1727.

[163]*Epistles Sent,* II, 399-400, Epistle to N. E. Yr. M., 1727.

[164]*Ibid.,* II, 416, Epistle to N. E. Yr. M., 1727.

[165]*N. E. Yr. M.,* 133-134, Epistle to London, 1728.

[166]*Salem Quart. M.,* II, 3; *R. I. Quart. M.,* 153.

[167]*R. I. Quart. M.,* 153.

[168]*N. E. Yr. M.,* 131-132.

and their efforts were suddenly crowned by the passage of the law of June 20, 1728.[169] After a preamble which cites the fact that application had frequently been made to the court in behalf of these people who refused to pay taxes for the support of the ministry, "alledging a scruple of conscience for such their refusal," the law stated that hereafter any belonging to a society of Anabaptists or Quakers should be exempt from having their "polls" taxed for such an object, "nor shall their bod(*ie*)(y)s be at any time taken in execution to satisfy any such ministerial rate or tax assess'd upon their estates or faculty," provided such persons were in the habit of attending their own meeting on the Lord's day and lived within five miles of a place of worship. Of the Quakers, whose opinions the orthodox were likely to regard with suspicion, a declaration of fidelity and belief in the Trinity and divine inspiration of the Scriptures was demanded, to be given before the court of general sessions. To discover who these Anabaptists and Quakers might be, some one of one denomination or the other, appointed by the justices in each county, was to bring annually to the court of general sessions a list of persons professing themselves to be Anabaptist or Quaker and in the habit of attending meeting, these lists to be submitted by the clerk of the peace to the assessors of each town or precinct. Upon all not exempt the assessors were ordered to levy the rate, and only they who paid the tax for support of orthodox religion could vote in any matter relating to the ministry of the town. The act was to be in force for five years.[170]

The inclusion of Baptists as well as Quakers in the exemption law of 1728 is suggestive of the close connection between the two sects in Massachusetts. While the Baptist teachings, particularly in those Baptist sects which

[169]The Baptists and Quakers seem to have ignored entirely the law passed December 19, 1727, in favor of the Church of England, by which the ministerial taxes taken from Churchmen were to be paid over to their own clergymen. Such an arrangement was entirely distasteful to the opponents of an "hireling ministry," like the Quakers.

[170]*Mass. Prov. Laws*, II, 494, ch. 4.

were Calvinistic, resembled Congregational far more than Quaker doctrine, theology was not the point at issue. Some of the Baptists, like the Quakers, disapproved of a paid ministry; others were opposed to public taxation for the ministry even when the money was made over to a Baptist preacher; all refused to submit to taxation for the support of a sect to which they did not belong. As they were far less numerous in Massachusetts than the Quakers and lacked entirely the centralized organization of the Friends, their early work was unsystematic and their appeals came only from small and scattered groups. In general they were willing to let the Quaker body assume responsibility, standing with them when occasion offered. Their discomforts were no less than the Quakers', as the extant records show, and in the famous case of 1723, when the Dartmouth and Tiverton town officers were imprisoned, two were Baptists and two Quakers.

While there were scattered Baptists of one sort or another in most of the towns where Quakerism flourished the only well organized church outside of Boston, whose existence was recognized in the period under discussion, was the one at Swansea. Such complaints as reached the Massachusetts government directly from Baptists came from this group; but because of the special dispensations which were made in favor of Baptists living in the town itself, these complaints usually originated with the members of the Swansea church who belonged to neighboring villages. Most determined in their efforts to resist ministerial taxes were the Baptists in the near-by town of Rehoboth who felt the weight of the law when they tried to ally themselves with the group at Swansea. They appealed to the governor on more than one occasion in Dudley's time, seeing the cordiality with which he met Quaker petitions,[171] and in 1715, after his removal, they sent an account of their difficulties to the King through the agency of the S. P. G.[172] At the time of the arrest of

[171] *Mass. Archives,* XI, 223, 388.

[172] *S. P. G. Papers,* B I, No. 169.

the Dartmouth and Tiverton assessors, Elder Ephraim Wheaton of Rehoboth and Thomas Hollis of London were in correspondence in regard to the taxes imposed and Hollis showed a willingness to take some active measures in the affair.[173] The work of these Baptists was sufficient to keep their difficulties in view, and the legislation of 1728 included Baptists as well as Quakers in the exemption granted.

This was the first law made in Massachusetts which in any way exempted these two sects from the financial oppression of the ecclesiastical legislation. Such as it was it went into effect.[174] How little relief it afforded the unhappy dissenters may be seen in their further action. No expression of gratitude came from the next Yearly Meeting at Newport and no change appears in the general condition of the two sects; the dissenters found the system too bungling to be practicable, and the five mile limit upset the whole affair for many of them.[175] The general opinion found expression in the words of the Rhode Island Quarterly Meeting which met in the following month and agreed that "the Assembly last Seting in Boston have done little or Nothing for the case of Sufferings ffds," and again asked Joseph Wanton and Richard Borden

> to continue their Endevours with the Authority there, for a discharge from these Sufferings they are under and if not Obtain'd to collect those papers & Coppyes which may be propper to be Sent to our ffriends in England which may Enable them the better to seek for Releif there and bring the charge thereof to Our Next Quarterly Meeting.[176]

At the end of three months Wanton and Borden had spent eleven pounds and sixteen shillings but had no encouragement to offer and at the end of a half year had "not pro-

[173]Wheaton to Hollis, 13 March, 1723, quoted in Backus, *Baptists,* I, 509-510.

[174]Several orders of Bristol sessions relating to the making of lists under this law appear in the records. *Bristol Sessions,* III B, 109, 126.

[175]Backus, *Baptists,* I, 518-519. Such as it was it deterred the London Quakers from further application to the government. *Lond. M. for Sufferings,* XXIV, 231.

[176]*R. I. Quart. M.,* 154; *Sandwich Mo. M.,* 127; *Diary of John Comer,* 62; *R. I. Quart. M.,* 160; *Salem Quart. M.,* II, 7; *N. E. Yr. M.,* 136.

ceeded any farder with the Assembly at Boston on behalf of Suffering ffriends."[177] In spite of this they were continued by the Yearly Meeting[178] and through their work further legislation was produced.

This second law, secured like the first one by the efforts of a committee, backed by the Yearly and the quarterly meetings, was passed December 20, 1729. The preamble explained that by the preceding act the polls only of Anabaptists and Quakers were exempted from charge in the support of the ministers of the churches by law established, and the law now ordered that the estates, real and personal, of such Anabaptists and Quakers should be exempt from taxation for the support of ministers. A proviso, occasioned by the troubles at Chilmark, at the same time made it clear that no person was to be freed from the charge toward building any meeting house when the assessment had already been made. This law was enacted for three years and a half.[179]

While this legislation seemed more favorable to the dissenters than that of the preceding year, it came little nearer to solving their difficulties on account of its rigid limitation.[180] Among some of the Quakers there was a distinct aversion to taking advantage of the privilege offered by this or the preceding legislation, on the ground that exemption was not liberty.[181] Troubles continued which were reported to the Yearly Meeting in the following summer.[182] The result of these reports was a further appointment of John Wanton and Thomas Richardson to send the accounts of sufferings to England with an appeal that the English Friends renew their endeavors, while Joseph

[177] *R. I. Quart. M.*, 156, 157.

[178] *N. E. Yr. M.*, 136, 137.

[179] *Mass. Prov. Laws*, II, 543, ch. 6; Backus, *Baptists*, I, 519.

[180] This legislation was described by the Quakers as "something tending to our ease but not fully in Such Manner as ffriends can Accept." *N. E. Yr. M.*, 142.

[181] *Bristol Sessions*, III B, 146, 147.

[182] *N. E. Yr. M.*, 139, 140.

Wanton and Richard Borden were ordered to give any possible assistance.[183]

This last vote of the New England Yearly Meeting to apply for help from the London Friends was made unnecessary by the appointment of Jonathan Belcher as Governor of Massachusetts. The basis of Belcher's kindness toward Quakers was not, as in Dudley's case, that larger policy of colonial control toward which each question as it appeared was forced to bend. Succeeding governors had been on the whole neutral, leaving matters to their councils, which as the years passed showed growing leniency, opposed only by the lower house. With the coming of Belcher the weight of the governor was thrown heavily on the side of the Quakers. The family connection between Belcher and Richard Partridge was the primary cause for Belcher's interest in the Quakers and had been the means of his making many friends among that body in England.[184] Their wealth, organized power and political influence with the Whig leaders he had recognized and, looking into the future, saw the possibility of securing the support of the whole organization by assuming the cause of the local meetings in his province.[185] Just before leaving England he received a delegation of prominent English Friends sent to him by the London Meeting for Sufferings to solicit his support for the New England Quakers.[186]

Jonathan Belcher's opening speech to the Assembly, while not making special reference to Quakers, recommended that they "imitate the Royal Indulgence of our

[183] *N. E. Yr. M.*, 140.

[184] J. Belcher to J. Belcher Jr., 12 Aug., 1732, 6 *Mass. Hist. Colls.*, VI, 164; same to same, 12 Nov., 1740, *ibid.*, VII, 523-524. The Belcher Papers contain a good deal of correspondence between Belcher and English Quakers; the names which most often appear are those of Richard Partridge, John Gurney and Thomas Hyam. Richard Partridge was Jonathan Belcher's brother-in-law.

[185] J. Belcher to Rip Van Dam, 11 Oct., 1731. 6 *Mass. Hist. Colls.*, VI, 451; J. Belcher to F. Harrison, 15 Nov., 1731, *ibid.*, VI, 455; J. Belcher to R. Partridge, 30 Oct., 1739, *Ibid.*, VII, 236.

[186] *Lond. M. for Sufferings*, XXIV, 352, 356.

gracious Sovereign, that none of our Laws may carry in them a Spirit of Rigour or Severity towards those who consciently differ from us in the modes of divine worship."[187] Among the New England Friends Belcher's reputation had preceded him and his coming was looked upon with delight.[188] He had not been in the province two months when almost simultaneously two of the quarterly meetings determined to address him in behalf of the Friends, while one of the monthly meetings took steps to show a personal allegiance at the expense of its loyalty to the Assembly. It was Dartmouth which signed a paper to be sent to Belcher "signifying our willingness to Comply with giving him his Salary according to the King's Instructions."[189] In the meantime the Sandwich Quarterly Meeting appointed two of its members to write and sign a paper in behalf of Friends for Belcher's inspection,[190] and the Rhode Islanders, meeting a few days later, once more charged Joseph Wanton and Richard Borden with their earlier duty.

> Sinc Governer Belcher is arrived to the Government of the Massechusets, [runs their record,] and that while he was agent in London he Manifested An Inclination to discharge ffriends from Persecution on Account of Priests Rates It is thought propper for ffriends to Apply to him to see what Releif can be had Our ffriends Joseph Wanton & Richard Borden are therefore desired Either to goe or Wright to Sd Governer Belcher on that Account.[191]

Not until they were reminded of this duty at the next Quarterly Meeting did Wanton and Borden set to work;[192] but in the winter or early spring they obeyed the order, and were ready to report at the Yearly Meeting in June that they had found some encouragement from the new governor. Still nothing had been done yet and conditions

[187] *Pubs. of the Col. Soc. of Mass.*, Vol. I. *Transactions*, "Note on Quakers" by A. C. Goodell, 143; Palfrey, *New England*, IV, 534.

[188] *Dairy of Z Collins*, 17.

[189] *Dartmouth Mo. M.*, 222.

[190] *Sandwich Quart. M.*, 22.

[191] *R. I. Quart. M.*, 171.

[192] *Ibid.*, 171.

were far from satisfactory.[193] While Sandwich this year reported "Ease with respect to Priests Rates," Rhode Island submitted an account of twenty-three pounds and seventeen shillings from the Rochester Friends for "Priests Rats," and Salem brought in the report from Kittery of ten pounds seventeen shilling and six pence.[194] As a result the Yearly Meeting continued the appointment of Joseph Wanton and Richard Borden, desiring them "to make farder Application."[195] It was now generally agreed that, since the Massachusetts governor had expressed himself as a friend to Quakers, the New England Meeting would no longer need to trouble Friends at home.[196] The London Meeting for Sufferings readily agreed to discontinue the "New England affair."[197]

The direct result of the appeals of the committee appointed and financed by the Yearly Meeting of 1731 was the law of December 24 of the same year. Belcher, writing to Partridge just before the opening of the fall session, said:

> The Assembly sits here again this week, and you may depend on every thing in my power for the relief of the Quakers, and I think I shall be able to get a bill past that will be pleasing. The Quakers are very sensible of my readiness & sincerity to serve them.[198]

On December 2 he addressed the Assembly referring to his earlier speech and spoke of the repeated applications which the Quakers were making.

> They are Generally, [said he,] a Sett of Vertuous and inoffensive people and good members of the Common Wealth and their Friends in England are a great Body of men, and esteemed as well as attached to His Majesty and His Royal House as any of the best of his Subjects; I would therefore upon all these Considerations think it an Instance of your prudence and Wisdom to pass Some further Law for their Quiet and ease.[199]

[193]For conditions in Bristol county at this time see *Bristol Sessions*, III B, 160.

[194]*N. E. Yr. M.*, 142.

[195]*Ibid.*, 143. The sum of 30 pounds was voted for the necessary expenses. *Salem Mo. M.*, 93.

[196]*N. E. Yr. M.*, 144, Epistle to London, 1731; *Lond. Yr. M.*, VII, 331.

[197]*Lond. M. for Sufferings*, XXV, 40.

[198]J. Belcher to R. Partridge, 1 Nov., 1731, 6 *Mass. Hist. Colls*, VI, 37.

[199]*Mass Prov. Laws*, II, 635.

A few days later, when writing to Partridge, Belcher enclosed a copy of this speech with the comment,

"You'll see by my speech inclosed that I am leading the Assembly to the ease of your Friends, and I have reason to believe by the influence I have on many of the members that a good bill will be past before the Court rises."[200]

The bill was passed December 24, 1731. In the preamble it was expressly stated that the Quakers had been complaining of the difficulties in complying with the acts already made for their relief and had been making frequent applications to the court for redress. Its special provision of importance, occasioned by the difficulties met under the special certificate system described in the two preceding laws, was the new method for indicating who might be of the Quaker persuasion. The assessors of any town where Quakers were found or owned land, were annually to make a list of all such persons and give it to the town clerk to be entered in the town records and handed out at six pence a copy to any Quaker desiring to own one. If a Quaker found his name omitted he was to inform the assessors in writing, his statement certified by two of the principal members of his society, appointed by the society for that special purpose. All such were to be exempt from the payment of any taxes whatsoever for the support of the ministry or for building meeting houses.[201] This explicit wording was to correct the troubles which the Quakers had suffered since 1728 and 1729. While exempt from certain rates, if once able to prove himself to be a Quaker living within five miles of a place of meeting, the Massachusetts Friend had found it was not easy to establish his identity, for advantage was taken of every technicality. The enforcement of this law for five years would prove whether this new method of exemption was practicable.

In the passage of this bill Belcher's influence had been important[202] and the results were gratifying. The lower

[200] J. Belcher to R. Partridge, 7 Dec., 1731, 6 *Mass. Hist Colls.*, VI, 82.

[201] *Mass. Prov. Laws*, II, 619, ch. 11.

[202] J. Belcher to R. Partridge, 3 Jan., 1731/32, 6 *Mass. Hist. Colls.*, VI, 94.

house had made it no small work for the governor, but the satisfaction of the Quakers and their allegiance to Belcher in after years were the reward. This Belcher frankly anticipated, expressing himself to Partridge in a letter as early as January 3, 1731/32.[203] He also confided to his son Jonathan the hope that the New England Yearly Meeting would present an address to the King in his behalf.[204]

In this hope Belcher was disappointed, altho the New England Friends had much to say in his favor. The Yearly Meeting of 1732, the last which ever recorded "sufferings for priests rates," attributed the new law to Belcher[205] and repeated recognition of his influence in the London epistles of the next three years.[206] The Yearly Meeting of 1732 voted that

> An Acknowledgment be Rendered to the general Assembly for what ffavour they have Shown us & in a perticuler Manner to Governer Belcher who we understand has been candid in his Endevours on friends behalf and also to Acquaint Richard Partridge of the Governers ffavour therein.[207]

The delegation which presented this acknowledgment met a kind reception and found the governor "Pleased to Signifie his Intentions of ffuture Kindness as it might fall with in his Power."[208]

The news from New England was quickly reported by Richard Partridge to the London Meeting for Sufferings which was instructed by the Yearly Meeting to "write to Such Persons in yt Government as have been Instrumental in Procureing this Great favour and to make such Gratefull acknowledgments of their kindness in this Respect as

[203]J. Belcher to R. Partridge, 27 Apr., 1732. 6 *Mass. Hist. Colls.*, VI, 123.

[204]J. Belcher to J. Belcher Jr., 28 Apr., 1732, 6 *Mass. Hist. Colls.*, VI, 125.

[205]*Epistles Rec'd*, II, 477, Epistle from N. E. Yr. M., 1732; *Lond. M. for Sufferings*, XXV, 246-247.

[206]*Epistles Rec'd*, II, 488-489, 497, 506.

[207]*N. E. Yr. M.*, 145-146.

[208]*Ibid.*, 148.

they shall think proper."[209] Although Belcher was disappointed that no representation in his favor was sent to the King by either the New England Yearly Meeting or the London Meeting for Sufferings, he made the most of their memorials to himself.[210]

Outside of the Quaker body the result of the law of 1731 was to arouse both the Baptists and the Anglicans of the province. The law of 1731, unlike those which preceded it in 1728 and 1729, was limited to the Quaker sect and did not include Baptists. As the law of 1729 expired in 1733 and nothing had succeeded it regarding Baptists, advantage was immediately taken of this fact. A number of Baptists in Bristol County were taxed for ministerial rates and some even imprisoned for non-payment.[211] Upon application to the legislature they were released and a law made for the Baptists similar to that of 1731 for Quakers. This law, passed July 4, 1734, repeated the Quaker legislation of the earlier year with the added proviso that the act should not extend to new towns granted with the customary condition of settling an orthodox minister and erecting a meeting house, until these things had been accomplished.[212] This law was practically reenacted on June 30, 1740, for seven years.[213]

In the meantime the Quaker law of 1731 had started a commotion in the Episcopal camp, as the adherents to the Church of England, tho they were the first sect to gain some exemption, had made no advances since 1727 and were under greater disabilities in 1731 than either the Quakers or Baptists. Immediately after Belcher's speech to the as-

[209]*Lond. M. for Sufferings,* XXV, 155. The success of Massachusetts made a profound impression upon the English Quakers on account of the resistance which they were making to payment of tithes. *Papers relating to the Quakers Tythe Bill,* 5.

[210]J. Belcher to [T.] Richardson, 14 Aug., 1732, 6 *Mass. Hist. Colls.,* VI, 481; J. Belcher to J. Belcher Jr., 18 Sept., 1732, *ibid.,* VI, 182; J. Belcher to R. Partridge, 21 May, 1734, *ibid.,* VI, 462.

[211]Backus, *Baptists,* II, 30.

[212]*Mass. Prov. Laws,* II, 714, ch. 6.

[213]*Ibid.,* II, 1021, ch. 6; Backus, *Baptists,* II, 34.

sembly of December 2 and the appointment by the lower house of a committee to prepare a draught of a bill for the relief of the Quakers, came a memorial from Roger Price of King's Chapel to the Governor, Council and House of Representatives. In it Price called attention to the fact that the members of the Church of England suffered the same difficulties and discouragements as the Quakers, as they were not exempted from taxes for the Congregational minister unless living within five miles of a church and not even then if the church lay outside of the province, and had suffered both distraint and imprisonment.[214] Belcher, upon viewing this memorial, appeared sympathetic and promised his interest, and a joint committee of the two houses was appointed to take it into consideration. In spite of this the case of the Anglicans was allowed to slide and the officials of King's Chapel and Christ Church, seeing the Quaker law was about to pass, decided to raise a sum of money and apply to the crown for its disallowance.[215] The churchmen were so far successful that the answer from the Privy Council, dated February 2, 1736, stated that only the fact that it was a temporary law, about to expire, prevented the Lords Justices from asking for its repeal. This statement was made on the ground that, as the charter of Massachusetts granted a liberty of conscience to all Christians except Papists, consequently such exemption ought not to have been limited to any one sect, but extended to all Protestants. Since the act was so near expiration it did not seem necessary to call for its repeal, but to prevent a renewal or the passage of similar acts it was recommended that an additional instruction be prepared for the governor to forbid him to give his assent to any such law unless the exemption be made general. The Board of Trade was accordingly directed to prepare such an instruction for Belcher.[216]

[214]Perry, *Ch. Docs., Mass.*, 272-273.

[215]Updike, *Narragansett Church*, II, 504-505.

[216]*Pubs. of the Col. Soc. of Mass.*, Vol. I. *Transactions*, "Note on Quakers" by A. C. Goodell, 143; *Mass. Prov. Laws*, II, 635; *Acts of the Privy Council*, III, 491-492; Foote, *Annals of King's Chapel*, 442 *et seq.*

The result of this order and the instruction to Belcher was not the cessation of Quaker legislation but the alternative mentioned in the report of the Lords Committee. Already, on July 4, 1734, the Baptists had won their cause and a year later a law had been made which exempted the polls and the estates of the Episcopalians for five years. It was far from satisfactory but its passage gave Belcher the right to listen to the next appeals which came from his friends the Quakers. The Yearly Meeting of 1736, foreseeing that the law of 1731 was about to expire, decided to speak for its renewal with the possibility of greater concessions, and appointed a committee to attend the General Court.[217] The result of their work was the law of June 28, 1737, which practically renewed the legislation of 1731 for ten years.[218] Corresponding legislation for the Baptists was obtained in 1740.[219] Altho the Friends had hoped for a greater satisfaction at this time they were forced to admit that the old inconveniences were no longer troublesome.[220]

While making this confession the Yearly Meeting of 1738 failed to vote Governor Belcher the expression of appreciation which he was expecting. This omission came at an awkward moment in his affairs for he was growing more and more certain that his removal was approaching and was gathering together all possible elements which might support him.[221] Of great importance among these were the English Quakers to whom he wrote asking that they would use their influence with Walpole and the Duke of Newcastle to have him retained as governor of Massachusetts.[222] A petition presented in his behalf by Richard

[217] *N. E. Yr. M.*, 159, 163, 165; *Epistles Rec'd*, II, 543.

[218] *Mass. Prov. Laws*, II, 876, ch. 6.

[219] *Mass. Prov. Laws*, II, 1021, ch. 6.

[220] *N. E. Yr. M.*, 168, Epistle to London, 1738.

[221] There was apparently at this time a certain coolness toward Belcher among the New England Quakers which was reflected in the London Meeting for Sufferings. *Diary of Z. Collins*, 10 Nov., 1737; *R. I. Quart. M.*, 198; *Lond. M. for Sufferings*, XXVI, 324, 354; XXVII, 34-35.

[222] J. Belcher to R. Partidge, 15 Jan., 1739/40, 6 *Mass. Hist. Colls.*, VII, 262.

Partridge in January, 1739/40, referred to the work he had done for the Quakers of Massachusetts.[223] In recognititon of these services of the English Friends, which tided the matter over for another year, Belcher sent a memorial of thanks "To my GOOD & WORTHY FRIENDS, the people call'd QUAKERS, in Gt Britain," dated May 9, 1740, which speaks of "the great respect & friendship you have manifested to me upon the many efforts my enemies have been making to have the comissns I have the honour to hold superseded." "I shall take all occasions," wrote Belcher, "to return the late kind offices you have acted towds me in evry reasona way & manner yt can be desired or expected."[224] In private letters likewise to London Friends Belcher expressed himself strongly in this same strain,[225] placing in the Quakers such confidence as later events failed somewhat to justify.[226] An application in the autumn of 1740 failed to secure what Belcher had hoped for[227] and he was superseded in the following year. In spite of their failure Belcher never lost regard for this body of people.[228]

[223] *Mass. Prov. Laws,* II, 636.

[224] 6 *Mass. Hist. Colls.,* VII, 505.

[225] J. Belcher to R. Partidge, 1 May, 1740, 6 *Mass. Hist. Colls.,* VII, 284; same to same, 7 May, 1740, *ibid.,* VII, 284; J. Belcher to Bubb Dodington, 8 May, 1740, *ibid.,* VII, 295-297; J. Belcher to [T.] Hyam and J. Gurney, 9 May, 1740, *ibid.,* VII, 505. To his son Belcher wrote (19 May, 1740) "I can't enough express my gratitude for his [Richard Partridge's] great & unwearied care, vigilance & fidelity to my interest & service. Such a friend is worth the name of one & my heart is fir'd with gratitude to the whole body of Quakers who have at this juncture given such signal proof of their sincerity to serve me at a time when I so much wanted their interest & friendship." *Ibid.,* VII, 301.

[226] "I really beleive an earnest letter sign'd by Mr. Gurney, Hyam & some other of your principal Friends & directed to Sr. Rob could still secure me in both provinces." J. Belcher to R. Partridge, 20 May, 1740, 6 *Mass. Hist. Colls.,* VII, 507; J. Belcher to [T.] Hyam, 25 Oct., 1740, *ibid.,* VII, 522.

[227] J. Belcher to R. Partridge, 26 Jan., 1740/41, 6 *Mass. Hist. Colls.,* VII, 363; J. Belcher to J. Belcher Jr., 27 Jan., 1740/41, *ibid.,* VII, 366-367.

[228] J. Belcher to R. Partridge, 7 May, 1741, 6 *Mass. Hist. Colls.,* VII, 382; same to same, 31 Aug., 1741, *ibid.,* VII, 546; J. Belcher to J. Belcher

The progress made by the Quakers of Massachusetts in securing exemption from the ecclesiastical laws of the province falls into three distinct periods:— from the beginning to 1718; 1718 to 1730; 1730 to 1740. 1. In the first of these periods the various local meetings of New England were busy with the collection of sufferings and with numerous petitions to governor and council, constantly reporting their progress to the London Yearly Meeting. The English Quakers paid careful attention to these reports, studied Massachusetts legislation and took certain measures to secure relief for the New England Friends. During this time, however, they were not pushing this case with the Board of Trade and the Privy Council. 2. In 1718 the London Meeting for Sufferings, now informed of the existence of a fund in the treasury of the New England Yearly Meeting to support a Quaker protest in England, determined to address the King in Council on Massachusetts affairs, and from then until 1730 was almost constantly before the government upon this business. A temporary pause was made in 1719 when the rumor was circulated that the Massachusetts General Court was about to pass a law favoring Quakers; but in 1723-1724 the test case of the Dartmouth and Tiverton assessors was pushed to a successful conclusion. A further petition (1725-1727) failed to secure attention because of the stress of the political situation in England, coming as it did just at the close of George I's reign. 3. In 1730 the London Meeting agreed not to pursue the matter further as a governor favorable to the Quakers had reached Massachusetts. From that time on the contest was in Boston and was finally won through Belcher's influence.

While Belcher's work for the Quaker cause was important, the result would have been impossible without the great change which had come over both houses of the Gen-

Jr., 17 June, 1741, *ibid.*, VII, 542. Belcher's late appointment as governor of New Jersey has been attributed to the work of the English Quakers. Palfrey, *New England,* IV, 562, note.

eral Court since 1700. The Council had first grown more liberal, far less provincial as it always was than the lower house; and in later years the representatives had been forced into line by authoritative messages from England. The royal disallowance of a law had to receive recognition; and it was useless to pass further legislation which would suffer similar treatment. In relation to an ecclesiastical question the opinions of crown officials were consistent with the general policy of imperial control. The General Court of Massachusetts had been resisting imperial authority, and the case of the Quakers was decided in 1724 at the cost of the Massachusetts assembly. Such had been the policy of Joseph Dudley as the exponent of the imperial system. While he was, on the whole, anxious to suppress unruly religious elements, he was distinctly favorable to the Quakers. The weakness of the Quaker cause in his time was due to the fact that the question had not yet become a vital issue.

The Order in Council of 1724 was not inconsistent with the Board of Trade's general policy; but it could not have been obtained so easily had it not been for the support rendered the Massachusetts Quakers by the Society of Friends in England. In the time of William and Mary and during the opening years of Anne's reign, the English Quakers had been recognized as an important element in English society, representing large trading interests and great wealth. With the accession of George I they assumed once more a place of importance, at the return of the Whigs to power, and numbered among their ranks men who in later years were very close to Walpole and the Duke of Newcastle. Their interest in the Quaker cause in New England was kept constantly before the Board of Trade and the Privy Council by the work of the London Meeting for Sufferings through its important representative, Richard Partridge.

If the success of the Quakers of Massachusetts was directly due to the sympathy of Governor Belcher and the changed attitude of the General Court, both of these were

in turn dependent upon the political influence of the London Quakers under the Walpole regime. Belcher recognized their importance and adopted their cause with a view to future support from them; the General Court saw the repeated successes of the Quakers with the Board of Trade and realized the uselessness of continued resistance.

We shall next see how the same general conditions affected the cause of the Anglicans in Massachusetts.

CHAPTER VI.

The Church of England.

In the year 1691 there was but one Episcopal church in the whole province of Massachusetts Bay. By 1725 the number had increased to five, which included King's Chapel and Christ Church of Boston and the rural parishes of Bristol, Newbury and Marblehead. This growth was representative of the work which the Church of England was in this interval doing in the whole line of colonies from Maine to South Carolina and the West Indies.

The advance made by the English Church in the years following the accession of William and Mary was not due to a consistent policy on the part of the English government. In spite of the close personal relation between William III. and Henry Compton, Bishop of London, William's reign, tho friendly to the low churchmen, was concerned especially in ecclesiastical affairs with the interests of the dissenters and was more or less indifferent to the ambitions of the English Church. In the reign of Anne the sympathy of the monarch was thrown in distinctly with the interests of the Church, which was able to take unusual strides in the direction of exclusive rights during the Tory ascendency just preceding her death, but lost this preeminence in the succession of the House of Hanover. Unperfected plans were abandoned under the Whigs whom the accession of George I placed in power, and the authority which soon came to be exercised by Walpole did not in any way improve the situation, as he openly expressed a lack of sympathy.[1]

[1]The relation between the government and the English colonial church during the reigns of Anne and the Georges may be followed in the Journals of the S. P. G. Among the favorable actions taken in the later years of Anne's reign may be mentioned the Order in Council granting appeal from inferior courts to the Queen in Council without limitation, in eccle-

It was therefore in a period of comparative indifference, so far as the government was concerned, that the great colonial work of the English Church was begun, and at the end of forty years was still vainly looking for governmental support. In spite of this deficiency very definite advances were made by the Church of England in the colonies through the work of individuals and organizations.

Two particular forces came together to effect these results. On the one hand the Bishop of London, Henry Compton, early took a lively interest in the transatlantic portion of his diocese, and through his whole life time did what lay in his power to advance the interests of the Church over the seas.[2] The influence which he did possess in William's reign was the result of his low church and Whig leanings which had earlier cost him his authority under James II. He had acted upon the committee of the Privy Council dealing with trade and foreign plantations,[3] and later, at its organization, became an ex officio member of the Board of Trade. In questions which con-

siastical cases, *S. P. G. Letters,* A VII, No. 49, Report of Board of Trade, 25 Nov., 1712; *S. P. G. Journal,* II, 212, 214, 258, July 1712—Jan., 1712/13; the ready extension of the Queen's bounty to the Society's missionaries, Fothergill, *List of Emigrant Ministers to America, 1690-1811; S. P. G. Journal,* II, 341; Popple to the Sec'y, 3 Feb., 1703/04, *S. P. G. Letters,* A I, No. 26; Queen Anne's approval of a colonial bishop, Cross, *Ang. Episc.,* 101; *S. P. G. Journal,* II, 381. Under George I the attempt to establish bishoprics in America was abandoned, Cross, *Ang. Episc.,* 101; *S. P. G. Journal,* IV, 94, 4 Mar., 1719/20; and the whole period of the Walpole regime was full of disappointments. See attempt to have New Jersey act in favor of Quakers disallowed, *S. P. G. Journal,* III, 69, 372, 385, 412; IV, 1-2, 11, 1 July, 1715-19 Dec., 1718; question of the lands in St. Christopher, *S. P. G. Journal,* IV, 94, 96, March, 1719/20; Maryland act regarding ministers' salaries, *S. P. G. Journal,* V, 210, 211-12, 216, 225, June-Nov., 1729; bill in Parliament to restrain the disposition of lands, *S. P. G. Journal,* VII, 22, 23, 35, March-May, 1736.

[2]Compton made an attempt to secure a legal basis for his authority in the colonies; he obtained from Charles II a bounty of twenty pounds for each minister and schoolmaster going to the West Indies; he instituted the practice of appointing commissaries; he was instrumental in securing the charter of the S. P. G. Cross, *Ang. Episc.,* 25-36.

[3]Cross, *Ang. Episc.,* 31; Dickerson, *Am. Col. Gov.,* 19.

cerned ecclesiastical affairs in the colonies it was customary for the Board to secure the recommendations of the Bishop of London,[4] altho his advice was not always followed.[5]

The second force behind the growth of the colonial church in the provincial period was an organization whose origin was due to the interest in the formation of religious societies conspicuous in England at the close of the seventeenth century. The connecting link between the Bishop of London and the religious societies appears in the person of Thomas Bray, bishop's commissary in Maryland, who was instrumental in the founding of the Society for Promoting Christian Knowledge and in the organization of the Society for the Propagation of the Gospel in Foreign Parts. Indications of the later work of the S. P. G. appear in the original constitution of the S. P. C. K. At home this society was to promote religious and secular education through the establishment of libraries and schools; abroad it was to assist the bishop's missionaries in those colonies where no financial provision was made for them, pension ministers' families and establish libraries.[6] The S. P. G., in absorbing the functions abroad of the S. P. C. K., obtained a charter which did little more than repeat these duties with modifications. There had appeared however, particularly in the work of George Keith for the S. P. C. K., a secondary object toward which the earlier society moved and in which it was followed by its successor. In the Quaker of the last decade of the seventeenth century the English Churchman saw not one of an irritating but harmless dissenting sect, but the member of a great organization, non-Christian in its teaching, eccentric in its cus-

[4]Dickerson, *Am. Col. Gov.*, 123-127.

[5]The Massachusetts act of 1702 for the settlement and support of ministers was opposed by Compton before the Board of Trade, but his recommendations did not result in its disallowance. *Mass. Prov. Laws*, I, 509.

[6]"A General Plan of the Constitution of a Protestant Congregation or Society for Promoting Christian Knowledge." Allen and McClure, *200 years of the S. P. C. K.*, 22.

toms.[7] The strongest opposition to its supremacy which the Church of England met in the early eighteenth century came from the Quaker meetings of England and America. In the attack upon them the Quakers saw not only religious intolerance but political injustice as well, for the Anglican was the church of the state, and the Quakers, even more conspicuously than the other English dissenters, were hemmed in by political disabilities. In the colonies the struggle resolved itself into a duel in which the two sides were not unevenly matched. Backed by the two parent bodies at home, the London Yearly Meeting and the English Church, the latter working through the Bishop of London and the S. P. G., the contending parties fought out the battle. In Pennsylvania, where Quakerism had its stronghold, the Anglican was less successful; in Maryland where Bray's chief work was done, opposition set up by the Quakers to the establishment of the English Church, was in time defeated and the act of religion passed and allowed.

As the situation was in each colony modified by conditions resulting from the nature of the colony's early settlement, in New England three varying types of the struggle appeared. In Connecticut the Quaker-Anglican conflict was practically non-existent, for unorthodox religious ideas found little encouragement within its borders. The Church of England, when finally introduced, came among people who were already Anglicans and later proselytized from the Congregational churches of the colony. In Rhode Island the Church found itself facing a number of different religious groups, united in their opposition to

[7] "To reduce the Quakers, who are so numerous in those parts, to the Christian Faith, from which they are totally Apostatiz'd, and so may be look'd upon as a Heathen Nation, it were to be wish'd that a support could be provided for some Missionaries to be sent amongst them, in order to convert them, in the manner that George Keith does travail amongst them here in England to that blessed end, and not without good success." "Memorial given in by Dr. Bray." Allen and McClure, *200 years of the S. P. C. K.*, 23; John Chamberlayne to Elias Neau, Oct., 1700, *ibid.*, 227.

an ecclesiastical system when joined to the state, but differing much among themselves. Of these the Quakers were the largest and most influential body and the only one having a strong support in England. Among these people there was a large number who claimed no particular religious affiliation. In Massachusetts existed a condition midway between these two. As in Connecticut the Congregational church stood firmly supported by legislation which protected it as the favored system. In addition to it, however, there were in the province, as the previous chapters have shown, so many communities of Quakers or of people with other unorthodox religious ideas, that they had, from the beginning of the provincial government, formed a serious problem in the enforcement of Massachusetts ecclesiastical law. For a decade the most important work done by the S. P. G. in Massachusetts was among these people.

The situation in New England was understood by Thomas Bray who distinguished carefully between Rhode Island and the two larger colonies. To the former he would have missionaries immediately sent to deal with atheism; with the dissent of Massachusetts and Connecticut he had no wish to interfere.[8] In two of its other purposes the S. P. G. in its early years gave evidence not only of an unwillingness to clash with New England nonconformity but even of an eagerness to act in conjunction

[8]"In ROAD-ISLAND, for want of a Clergy, many of the Inhabitants are said to be sunk downright into Atheism. The New Generation, being the Off-spring of *Quakers,* whose children, for want of an Outward Teaching, which those Enthusiasts at first denied, being meer *Ranters;* as indeed the Sons of *Quakers* are found to be such in most Places, and equally to deny all Religion. Nor do I think myself oblig'd to speak here of *New-England,* where *Independency* seems to be the Religion of the Country. My design is not to intermeddle, where Christianity under any Form has obtained Possession; but to represent rather the deplorable State of the *English Colonies,* where they have been in a manner abandoned to *Atheism;* or, which is much at one, to *Quakerism,* for want of a Clergy settled among them." Bray, *A Memorial representing the Present State of Religion on the continent of North America,* London 1700. Printed in Steiner, *Bray,* 159 *et seq.*

with it. When in 1704 the secretary was communicating with the Board of Trade in regard to work among the Indians, he was informed of the existence of the old Society for the Propagation of the Gospel in New England and urged to discover how its funds were employed. A later letter from Sir William Ashurst to the secretary described most cordially the work of this organization.[9] At about the same time an account came to the S. P. G. of an organization in New England known as the Society for the Propagation of Religion, founded on the pattern of the corresponding societies existing in London. The S. P. G. exchanged publications with this society.[10]

The principle laid down by Bray was carried out in the work of George Keith and John Talbot, its first missionaries. George Keith especially, having himself passed from Quakerism to Keithian Quakerism and thence to the Church of England, made his great work to lead his former friends from their "errors." With this in view Keith and Talbot went early to Rhode Island, the center of New England Quakerism.[11] There they found one Anglican church already in existence, as Newport had been favored by Bray three years before the founding of the Venerable Society. Its first two ministers, both sent out by Comp-

[9] *S. P. G. Letters,* A I, No. 26; A II, No. 148. See also references to this society in *S. P. G. Journal,* II, 259-266, 16 Jan. and 13 Feb., 1712/13.

[10] Edward Bromfield to Thomas Bromfield, 9 Oct., 1704, *S. P. G. Letters,* A II, No. 29; Edward Bromfield to the Sec'y, 24 Feb., 1707, *ibid.,* A III, No. 178. In later years the cordiality between the S. P. G. and this organization in New England disappeared as the leaders of the latter society became interested in placing Congregational ministers in "unorthodox" towns. In some of these the S. P. G. was already at work.

[11] The religious situation in Rhode Island at this time is described in a memorial sent by Honeyman to Nicholson. It is called a "Melancholy Scene," the people divided into many sects and presenting "a dismal view of the Triumph of the Empire of darkness over the Kingdom of Our Lord Jesus." Among these are 1. Quakers, 2. Anabaptists divided between those observing the first and those the seventh day of the week, 3. Gortonians, 4. those living with no religion at all, 5. Independents and a few members of the 6. Church of England. *S. P. G. Papers,* B I, No. 176.

ton,[12] were followed in 1704 by the Rev. James Honeyman who had crossed originally to be in the Narragansett country.[13] Many letters were written in the early days of the Society, urging that a missionary be sent to the west shore of Narragansett Bay,[14] but the place was not supplied until 1717.[15] In 1723 the little church in Providence received a minister.[16]

In Massachusetts Keith and Talbot visited chiefly the towns which most closely resembled Rhode Island, on Cape Ann and in the boundaries of the old Plymouth Colony. It was not, however, in the strongly Quaker community of Dartmouth or in the part-Quaker, part-Congregational towns of Salem and Lynn, Sandwich and Falmouth, that they met their warmest welcome. Instead of this it was in that group of Rhode Island border settlements which had given the Bristol justices their greatest problem in administration, through an indifference to religious teaching and a strong determination to have political and personal liberty, that these men were most kindly received. Around a nucleus of sincere Churchmen gathered a group of independent or negative thinkers, more than ready to meet Massachusetts ecclesiasticism with any stronger weapon.[17] Such was the condition in Freetown, Tiverton,

[12]Bray to the Sec'y, 24 May, 1704, *S. P. G. Letters,* A I, No. 164; Church at Newport to the Sec'y, 29 Sept., 1702, *ibid.,* A I, No. 54; J. Brenton to the Sec'y, 15 Nov., 1710, *ibid.,* A VI, No. 6.

[13]Pascoe, *200 Years of the S. P. G.,* 42; J. Brenton to the Sec'y, 15 Nov., 1710, *S. P. G. Letters,* A VI, No. 6.

[14]*S. P. G. Journal,* I, 29, 27 Feb., 1701/02; S. Myles to Bp. of Glouc., 8 July, 1702, *S. P. G. Letters,* A I, No. 32; Bp. of London to the Sec'y, *ibid.,* A I, No. 35.

[15]Guy to the Sec'y, 10 June, 1717, *S. P. G. Letters,* A XII, 447-448; Shute to the Sec'y, 14 June, 1717, *ibid.,* A XII, 449.

[16]Humphreys, *Hist. Acc't of the S. P. G.,* 323; Johnson's Rep., 18 Jan., 1722/23; *S. P. G. Letters,* A XVI, 42-44 *et alia;* Sec'y to Ch. at Prov., 20 July, 1723, *ibid.,* A XVII, 394-395; Sec'y to Pigot, 20 July, 1723, *ibid.,* A XVII, 397; Pigot to the Sec'y, 13 Jan., 1723/24, *ibid.,* A XVII, 362-365.

[17]"Their good will to ye Church se'ms mostly to [be] from their aversion to Independency & so secure themselves agt ye penal Laws of ye

and Little Compton and less conspicuously in Swansea.[18] Swansea and Little Compton decided for Church of England ministers at an early date,[19] and the group in Swansea under the leadership of one John Brown persisted for several years. Samuel Myles, who was especially fond of this little church, often preached at Swansea, lent books to the people and repeatedly wrote to England in their behalf,[20] but the attempt made by the Society to procure a minister for the town was unsuccessful.[21]

The work of John Brown for the Church of England ministry in Swansea was paralleled by that of Col. Vesey in Braintree, a town which lay outside the lines of the non-Congregational influence and would probably not have been affected by the S. P. G. work but for him. George Keith's report submitted to the society in 1702 stated that the only churches in New England were the one at Boston, the newly founded church at Newport, "and another in Braintry which has no Minister."[22] As early as 1689 there is evidence of Churchmen in Braintree;[23] and in 1702 nu-

province of ye Massachusets Bay wch exacts a maintenance for ye Dissentg (or the Established Clergy as they call them) not only from dissenters of all Denominations, but from ye profess'd & actual members of ye Church of Engld & that too where they have a Minr of their own to help to Support." McSparran to the Sec'y, 7 Jan. 1723/24, *S. P. G. Letters,* A XVII, 359-362. Also Bridger to Lucas, 7 Oct., 1718, *ibid.,* A XIII, 521-523; Pigot to the Sec'y, 13 Jan., 1713/14, *ibid.,* A XVII, 362-365.

[18]*Prot. Episc. Hist. Soc. Colls.,* I, xxvi; Bp. of London to the Sec'y, 19 Feb., 1702/3, *S. P. G. Letters,* A I, No. 53.

[19]*Keith's Journal, 22, 23, 27* and 30 Aug., 1702; *Prot. Episc. Hist. Soc. Colls.,* I, xv; Samuel Myles to the Bp. of Glouc., 8 July, 1702, *S. P. G. Letters,* A I, No. 32; Bp. of London to the Sec'y, *ibid.,* A I, No. 35; Keith to the Sec'y, 29 Nov., 1702, *ibid.,* A I, No. 50.

[20]Myles to Bp. of Glouc., 8 July, 1702, *S. P. G. Letters,* A I, No. 32; John Brown to Archbp. of Canterbury, 23 Feb., 1703/04, *ibid.,* A I, No. 158; Myles to Dr. Beveridge, 26 Feb., 1703/04, *ibid.,* A I. No. 160; Myles to the Sec'y, 15 Aug., 1707, *ibid.,* A III, No. 123; Myles to the Sec'y, 16 Dec., 1708, Perry, *Ch. Docs., Mass.,* 83.

[21]*S. P. G. Journal,* I, 150, 156, 16 June, 1704.

[22]*Prot. Episc. Hist. Soc. Colls.,* I, xv.

[23]Adams, *Hist. of Quincy,* 37.

merous applications were made in their behalf.[24] The Society responded in the following year by sending William Barclay to the town, but his stay was brief.[25] As a matter of fact, the inevitable hostility between the standing order and the Churchmen had been increasing and at this time broke out in the prolonged warfare which the town waged over the questions of increasing the minister's salary and forming a second precinct.[26] In this struggle the standing order resorted to any means to deride the Churchmen, while the small Episcopal group was not above allying with itself the disaffected of the community.[27]

From the time of Barclay's departure the affairs of Braintree were considered by the Society in connection with the other towns of southeastern Massachusetts, and about them all Henry Compton was very doubtful.[28] Tho Myles, who as late as 1708 was writing in their behalf, finally reached the conclusion that the number of sincere Churchmen was too small to warrant sending a missionary,[29] appeals from the various towns continued.[30] The inhabitants of Freetown went so far as to vote in town

[24]C. Bridge to G. Keith, 19 Nov. 1702, *S. P. G. Letters,* A. I, No. 49; Myles to Bp. of Glouc., 8 July, 1702, *ibid.,* A I, No. 32; Lewis Morris to Archdeacon Beveridge, 27 July, 1702, Perry, *Ch. Docs., Mass.,* 72-73; Bp. of London to the Sec'y, 19 Feb., 1702/03, *S. P. G. Letters,* A I, No. 53.

[25]Talbot to the Sec'y, 7 April, 1704, *Prot. Episc. Hist. Soc. Colls.,* I, xlii; Bp. of London to the Com., 13 May, 1704, *S. P. G. Letters,* A I, No. 156.

[26]Adams, *Hist. of Quincy,* 29-33, 42; Foote, *Annals of King's Chapel,* I, 147.

[27]Perry, *Ch. Docs., Mass.,* 84-85. The belief of the Episcopal party was that the attempt made to divide the town had as its purpose the prevention of a Church of England minister's coming to the place. Perry, *Ch. Docs., Mass.,* 91-93, 95; Pres. Leverett to the Sec'y, 1 Nov., 1711, *S. P. G. Letters,* A VI, No. 156.

[28]Bp. of London to Myles, 14 Feb., 1705, *Fulham Mss.,* R. I.

[29]Myles to the Sec'y, 16 Dec., 1708, Perry, *Ch. Docs., Mass.,* 83; Colman to White Kennett, Nov., 1712; Turell, *Colman,* 124; Pres. Leverett to the Sec'y, 1 Nov., 1711, *S. P. G. Letters,* A VI, No. 156.

[30]Honeyman to the Sec'y, 27 Oct., 1709, *S. P. G. Letters,* A V, No. 54; Honeyman to the Sec'y, 6 Nov., 1710, *ibid.,* A VI, No. 7.

meeting in 1707 to apply to the Bishop of London for a missionary, arguing that by this means they could free themselves from presentment for lack of a minister.[31] Upon this principle the town pleaded when presented in 1708;[32] but the Court of General Sessions failed to view the matter in the same light, and, upon a petition from the selectmen, who were not in favor of the movement, appointed a minister for the town.[33]

The Venerable Society in the meantime was having difficulty in procuring ministers for independent villages of the type of Freetown and Tiverton. James Honeyman of Newport, who in 1709 began to hold week day lectures regularly in the towns on the eastern shore of the bay, reported that the people were "very ignorant and rude in religious matters, . . . yet very grave and attentive at Divine worship."[34] Of this same parish William Guy wrote a few years later that the "generality of the people (as I am well informed) are almost (in all these places) as ignorant as the very Heathens."[35] As the numerous attempts which the Society made to supply this region met with little success, Honeyman continued this work for many years, preaching usually at Tiverton but also at Freetown and Little Compton.[36]

When in 1712 Thomas Eager was sent by the Society to Braintree, he was ordered to preach likewise at Swansea and Little Compton; but distance as foreseen made the task difficult and Eager's speedy departure ended the scheme.[37] The church now declined rapidly and no suc-

[31] *Bristol Sessions*, II, 131, 132.

[32] *Ibid.*, II, 136, 140, 141.

[33] *Ibid.*, II, 214.

[34] Humphreys, *Hist. Acc't of the S. P. G.*, 62; "Memorial concerning Braintree," 9 Dec., 1713, Perry, *Ch. Docs., Mass.*, 95.

[35] Perry, *Ch. Docs., Mass.*, 129.

[36] Honeyman to the Sec'y, 12 July, 1711, *S. P. G. Letters*, A VI, No. 106; Honeyman to Nicholson, 3 Dec., 1714, *ibid.*, A X, 278-279; Honeyman to the Sec'y, 4 Jan., 1714/15, *ibid.*, A X, 279; Honeyman to the Sec'y, 16 Sept., 1715, *ibid.*, A XI, 381-382.

[37] Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers*, B I, No. 127; *ibid.*, B I, No. 164.

cessful attempt was made to revive it for many years.[38] It was at this time that the case was taken up by Sir Francis Nicholson, one of the most aggressive of the royal governors, who held appointments at various times in Virginia, New York and South Carolina. As an ardent Churchman he took special interest in the situation, and recommended a lay reader for Braintree and two itinerants for the whole group of country villages.[39] But neither suggestion was accepted and Honeyman continued his work on the mainland, using Tiverton, the most centrally located, as his chief place of labor,[40] and establishing there a regular lecture in a meeting house formerly built for a Congregational minister but unused at the time.[41] In 1716 Honeyman was ordered to withdraw his services from the eastern shore[42] as it was included in the parish of William Guy, sent by the Society to officiate at Narragansett, Tiverton, Freetown and Little Compton;[43] but at Guy's sudden departure, he again resumed his former labors.[44] In 1721, when some of the inhabitants of the growing town of Bristol made application to the Society for a Church of England minister, giving promises to build a church, the Episcopalians of the neighboring Freetown, Tiverton, Swansea, and Little Compton were included.[45] Although James Orem, who arrived in the following year,

[38]*S. P. G. Papers,* B I, No. 164; Braintree to Nicholson, 11 Dec., 1713; *ibid.,* B I, No. 168; Sir Chas. Hobby to the Sec'y, 11 Dec., 1713; *S. P. G. Letters,* A VIII, 529-530.

[39]Nicholson to the Sec'y, 1 Dec., 1713, *S. P. G. Letters,* A VIII, 526-527; same to same, 11 May, 1714, *S. P. G. Papers,* B I, No. 178.

[40]*S. P. G. Journal,* II, 369, 30 Mar., 1714.

[41]Honeyman to the Sec'y, 3 Oct., 1715, *S. P. G. Letters,* A XI, 383.

[42]Sec'y to Honeyman, 23 Apr., [1716], *S. P. G. Letters,* A XI, 417.

[43]Shute to the Sec'y, 14 June, 1717, *ibid.,* A XII, 449.

[44]Honeyman to the Sec'y, 26 Aug., 1718, *ibid.,* A XIII, 519-520 *et alia;* Honeyman to the Sec'y, 18 Oct., 1718, *ibid.,* A XIII, 530-532 *et alia.*

[45]McSparran to the Sec'y, 24 May, 1721, *ibid.,* A XV, 127-129; McSparran to Nicholson, 26 May, 1721, *ibid.,* A XV, 131; Bristol to the Society, 30 May, 1721, *ibid.,* A XV, 132-133; Bristol to the Society, 8 Dec., 1721, *ibid.,* A XV, 152-153; Honeyman to the Sec'y, 15 Mar., 1721/22, *ibid.,* A XVI, 273-275; *et alia.*

stayed only a few months,[46] the church began at this time a permanent existence, and was for many years the only Anglican society in southeastern Massachusetts. With the establishment of the church at Providence the Episcopalians at Attleboro and Barrington, Swansea and Rehoboth became associated with this group, but the Bristol church remained the center for Freetown, Tiverton and Little Compton,[47] and Honeyman continued his week-day lecture among them.[48]

In addition to the towns already mentioned there were several others in the region south of Boston which by 1735 numbered some Anglicans among their inhabitants. Until separate churches were founded these scattered people were included in the parish of Christ Church, Boston, and Timothy Cutler often travelled into the country to hold special services. When in 1725 he went to Braintree to administer the sacrament, he found the people collecting money to build a small church and anxious to revive the society which had died out a dozen years before.[49] In 1727 the Society responded to their application for a minister[50] and sent over Ebenezer Miller who served the church at Braintree for thirty-four years.[51] The

[46]Bristol to the Society, 4 June, 1722, *S. P. G. Letters,* A XVI, 275-276; Orem to the Sec'y, 4 July, 1722, *ibid.,* A XVI, 292-296; Orem to the Sec'y, 30 Oct. 1722, *ibid.,* A XVI, 314-315; James McSparran of Narragansett who helped supply the Bristol parish at Orem's departure wrote, "the 3 Towns now menconed [Freetown, Tiverton and Little Compton] have each of them a few (& but a few people that incline to ye Ch: of Engd but have hitherto made no advances towds having the Worship of God accordg to yt way setled among them, Save that ye building of Bristol Church." McSparran to the Sec'y, 1 May, 1723, *ibid.,* A XVII, 342-345.

[47]Usher to the Sec'y, 27 Dec., 1726, *ibid.,* A XIX, 459-460; Pigot to the Sec'y, 11 Sept., 1727, *S. P. G. Papers,* B I, No. 223.

[48]Honeyman to the Sec'y, 10 April, 1728, *S. P. G. Letters,* A XXI, 403-404; Honeyman to the Sec'y, 6 July, 1731, *ibid.,* A XXIII, 251-252; Honeyman to the Sec'y, 27 Nov., 1734, *ibid.,* A XXV, 159.

[49]Checkley to Thos. Bennet, 15 June, 1725, Slafter, *Checkley,* II, 174-175; Cutler to the Sec'y, 23 Sept., 1725, Perry, *Ch. Docs., Mass.,* 184-185.

[50]Braintree to Nicholson, 28 Dec., 1726, Perry, *Ch. Docs., Mass.,* 208-209.

[51]Foote, *Annals of King's Chapel,* I, 259.

first service held in Scituate was also in 1725, and during the next few years Cutler and Miller supplied the town.[52] A church was built in 1732[53] which accommodated the neighboring towns of Pembroke and Hanover,[54] Marshfield and Halifax,[55] and a minister arrived in the following year.[56] Soon after this Cutler reported preaching at Dedham and also at Mendon, the partly Quaker town north of Providence,[57] while the ministers of Braintree and Scituate alternated in officiating at Bridgewater.[58]

Success in the founding of a church in Bristol several years before any other town south of Boston boasted a permanent organization is explicable. Tho in the beginning its establishment seems to be due to the anti-Congregational feeling in the region for which it was county seat, the later history of the church there shows that it was largely economic causes that assured its success. Bristol was a growing commercial town sharing with Providence and Newport the trade of Narragansett Bay. Because of this commerce there was a constant arrival from across the sea of English strangers, many of them Anglican in sympathy.[59]

To this same cause may be traced the early demand for an Episcopal Church in Marblehead, the chief commercial town of northern Massachusetts. John Talbot, preaching at Marblehead in 1707, found the people "terribly pleased (as their phrase is)" and ready to subscribe toward building a church.[60] In 1714 they petitioned the

[52]Miller to the Sec'y, 25 May, 1729, *S. P. G. Letters,* A XXII, 163-164; same to same, 5 Oct., 1732, Perry, *Ch. Docs., Mass.,* 289-290; Cutler to the Sec'y, 29 Nov., 1732, *S. P. G. Letters,* A XXIV, 97-98; *S. P. G. Abstract, 1728-1729,* 47.

[53]Miller to the Sec'y, 5 Dec., 1732, *S. P. G. Letters,* A XXIV, 154.

[54]Petition from people of Scituate, 30 Nov., 1732, *ibid.,* A XXIV, 160-161.

[55]Davenport to the Sec'y, 10 Nov., 1735, *ibid.,* A XXV, 324-328.

[56]Davenport to the Sec'y, 3 Nov., 1733, *ibid.,* A XXIV, 431.

[57]Cutler to the Sec'y, 9 Nov., 1734, *ibid.,* A XXV, 154-155.

[58]Miller to the Sec'y, 26 Dec., 1734, *ibid.,* A XXV, 168.

[59]Munro, *History of Bristol, R. I.*

[60]Talbot to the Sec'y, 13 Dec., 1707, *S. P. G. Letters,* A III, No. 158.

Society for a missionary,[61] who arrived in the person of William Shaw in the following year.[62] In succeeding years Marblehead became the center for the church service in the region north of Boston and had many communicants in the neighboring coast town of Salem which in 1734 erected a church of its own.[63]

There were also by 1735 Churchmen in the towns of Ipswich,[64] Newbury, Amesbury and Salisbury, in the vicinity of Portsmouth, New Hampshire, and in the Maine towns of York, Kittery and Piscataqua.[65] One of these, Newbury, was the first community in the province outside of Boston to organize permanently an Anglican church and to be supplied with a resident missionary. The movement was, however, not caused by a Church of England group within the town but came out of a long protracted struggle between two factions in the precinct Congregational Church of West Newbury. The minority, angered by the actions of their opponents and a General Court order in favor of the latter, were approached by John Bridger of Portsmouth, N. H., surveyor general of Her Majesty's forests, and agreed at his suggestion to proclaim a definite schism from their neighbors by declaring for

[61] *Prot. Episc. Hist. Soc. Colls.*, I, 61; Perry, *Ch. Docs., Mass.*, 113; Marblehead to the Society, 5 April, 1714, *S. P. G. Papers*, B I, No. 171; Marblehead to Nicholson, 5 April, 1714, *ibid.*, B I, No. 172. In referring to this letter Nicholson wrote, "The town of Marblehead is . . . one of the most thriving in the Country, by reason of the Fishing Trade—very many Ships loading there with dry Cod fish for Portugall Spain and the Streights; If the Society would be pleased to send a good Missionary thither & that as soon as possible I beleive there would be a very considerable Congregation of the Church of England." 11 May, 1714, *ibid.*, B I, No. 178; Myles to the Sec'y, 23 July, 1714, *ibid.*, B I, No. 188.

[62] Shaw to the Sec'y, 13 Jan. 1715/16, *ibid.*, A XI, 385-386.

[63] Pigot to the Sec'y, 29 Apr., 1728, *ibid.*, A XXI, 405; Pet. of Salem to the Society, 1 Aug., 1733, *ibid.*, A XXIV, 417-418; Salem to the Society, 30 Dec., 1734, *ibid.*, A XXV, 171-172; *Mass. Archives*, XI, 413.

[64] Pigot to the Sec'y, 6 Aug., 1733, *S. P. G. Letters*, A XXIV, 419.

[65] Plant to the Sec'y, 24 Sept., 1732, *ibid.*, A XXIV, 139-140; Pigot to the Sec'y, 29 Oct., 1733, *ibid.*, A XXIV, 426; Plant to the Sec'y, 6 Dec., 1734, *ibid.*, A XXV, 162.

the Church of England.[66] Bridger assured the people that if they would petition for a Church of England minister, they would be freed from contributing to the precinct church, while a missionary would come supplied with a salary by the Society. This argument was of importance in effecting the results, but later events proved that a misunderstanding had occurred.[67]

John Lambton, a chaplain of the Queen's navy, officiated in Newbury for a short time in 1713-1714, and was succeeded by Henry Lucas, an eccentric man, who painted a picture of his unusual parish in dark colors. According to Lucas the first steps were taken to frighten the precinct, never with the thought that the Honorable Society would actually grant the petition and send a minister.[68] While there doubtless were several sincere Churchmen among the apostates of Newbury, the group as a whole was, according to Benjamin Colman, simply a typical country church faction, possessing, in the matter of church practices, those very prejudices which made them look with horror upon such tendencies as the Brattle Street church represented, and as far from Episcopacy as could well be imagined.[69]

[66]Coffin, *Hist. of Newbury,* 151 *et seq.;* Currier, *Ould Newbury,* 363-395; Currier, *History of Newbury, Mass.,* 332-357; 369-374; "Mem. of John Bridger," 4 Dec., 1711, Perry, *Ch. Docs., Mass.,* 99; Pet. of Newbury to the Bp. of London, *S. P. G. Letters,* A VII, 93; Bp. of London to the Sec'y, 4 Feb., 1712/13, *ibid.,* A VII, 45; *et alia.*

[67]"Mem. of John Bridger," 4 Dec., 1711, Perry, *Ch. Docs., Mass.,* 99; Bridger to Lord Dartmouth, 2 Feb., 1711/12, *ibid.,* 102; Lucas to the Sec'y, 19 June, 1720, *ibid.,* 132; "But they chuse the Church because they would save their Rates to the other Ministers is very plaine to me." Bridger to Lucas, 7 Oct., 1718, *S. P. G. Letters,* A XIII, 521-523.

[68]Lucas to the Sec'y, Perry, *Ch. Docs., Mass.,* 127.

[69]Colman stated that while Belcher of the West Precinct of Newbury was a man of unusually catholic principles, the people of Queen Anne's Chapel were "till now among the most *narrow* and *rigid* Dissenters, who would before this have disowned *me* in particular, for the Use of the *Lord's Prayer,* reading the *Scriptures* and a freer Admission to the *Lord's Table,* than has been generally practiced in these Churches." Colman to White Kennett, Nov., 1712, Turell, *Colman,* 124.

From this review of the work of the S. P. G. in rural Massachusetts it will appear that in its beginning and during the first ten years of the Society's history it was little more than the local application of the great Anglican-Quaker struggle going on in all the colonies. By the end of that time the Church had found a foothold and other causes accounted for its growth. These were principally two,—the increase of the over-sea element in the commercial towns of the province, and the subsequent proselytizing from the churches of the standing order. A town quarrel was the basis of the introduction of the Anglican service at Newbury, and in various other communities local disagreements helped to feed the missionary establishment of the Church of England.

Coincident with this second phase of the Church's development in the province, came a new alignment of parties. The Massachusetts Congregationalist had come to see in the Anglican minister not a missionary to "Quaker and irreligious" towns or to the Indian natives, but rather the representative of an organization and practice which the Puritan of two generations before had come into the wilderness to escape, and which in spreading would exert a political as well as a religious influence which might prove hostile to the system of the land. Succeeding years therefore witnessed the conflict between the ecclesiastical laws of Massachusetts and the demands of the Anglican churches throughout the province.

The Society for the Propagation of the Gospel had scarcely begun its work when it discovered the difficulty which it had to meet in Massachusetts where a state church was supported by public taxation.[70] As early as 1703 the Churchmen in Braintree appealed to Joseph Dudley, asking that the governor and council would order that their estates need not be taxed for ministerial support until a legal trial be held or Her Majesty's pleasure be known.[71]

[70]"Account of the State of the Church in North America by Mr. George Keith and others." *Prot. Episc. Hist. Soc. Colls.*, I, xv.

[71]Documents relating to the case are in the Public Record Office. *C. O., 5, 863.*

Not receiving satisfaction at that time they were in 1710 complaining to the Bishop of London that they were termed Papists and Idolaters and their worship called the "mass," while their estates were forcibly taken from them "by those whose wills are the measure of their actions, for the support of Dissenting ministers."[72]

It is not without some significance that it was the church at Newbury which was the first to go systematically to work, and not altogether ineffectively, to gain exemption. Disgust at ministerial assessments, levied upon them after they supposed they would be immune, was united to a certain resentment long felt against their fellow townsmen. The attempt made early in 1712 to collect from them a ministerial tax, voted before the schism, was the cause of an appeal which they made to Dudley. The petition stated that it was "a thing unknown in her Majesty's dominions that the members of the Church of England should be forced to contribute to the support of the tolerated dissenting Teachers."[73]

Dudley's relation to religious and ecclesiastical concerns within his province was a curious one. Born in Massachusetts, of an old family of the standing order, he was trained in all the customs of his native land and was a member of the church in Roxbury. But while governor of the Isle of Wight he became a communicant of the Church of England; in 1701 he was made correspondent of the S. P. C. K. for that province,[74] and later a member of the S. P. G.,[75] becoming a strong supporter of its work.[76] Returning to New England he soon found that he had incurred the hatred of his own circle, but was at the same time never able to gain the full confidence of Massachusetts Churchmen.[77] This result came as an inevitable

[72]Perry, *Ch. Docs., Mass.*, 84-85.

[73]*Ibid.*, 99-108; *Sewall's Diary*, 27 Feb., 1711/12.

[74]"Minutes of the S. P. C. K.", McClure, *Eng. Ch. Hist.*, 140, 299, 306.

[75]*S. P. G. Journal*, I, 37, 43.

[76]Keith to the Sec'y, *S. P. G. Letters*, A I, No. 9; Dudley to the Sec'y, 10 Oct., 1706, *ibid.*, A III, No. 4; *S. P. G. Journal*, 18 Jan., 1711/12, II, 153.

[77]Foote, *Annals of King's Chapel*, 147, 175.

consequence of his application in ecclesiastical affairs of his theories as a representative of the British imperial system. His affiliation with the Anglican Church was a practical expression of his advocacy of the enforcement of English law. In his dealings with the religious parties in New England he was above all eager to suppress petty jealousies, to placate the various parties, and by the arrangement of compromises to allay the strife of religious factions as he succeeded to a certain extent with political ones. It was with this object in view that he had given an impression of friendliness to the Quakers, John Tucker, Richard Borden, Joseph Wanton and Ebenezer Slocum, while doing little for them. The same principle he applied in dealing with the Anglicans.[78] Knowing that the matter presented by the representatives of the church at Newbury was outside of his authority, he was, however, anxious to remedy the situation. The result of his consideration was embodied in a communication to the justices of Essex County, dated 28 Feb., 1711/12. After reciting the situation presented in the Newbury petition, Dudley concluded:

> I am therefore of opinion that the said Petitioners and others that join with them ought to be peaceably allowed in their lawful proceedings therein for their good establishment and ought not to be taxed or imposed upon for the support and maintenance of any other public worship in the said Town of wch I desire all persons concerned to take notice accordingly.[79]

This was no order but a mere recommendation, tho the Honorable Society always thought otherwise and was led by Dudley so to believe.[80] This encouragement prompted the Churchmen of Newbury to go on with their church building and continue resistance to taxation; but the other

[78]In a letter to the Bishop of London, dated 1 Aug., 1705, Dudley justifies the legislation of 1702 and his own attitude. "I freely told the Council when the additional Law was made that it must not be supposed to refer to the Church of England but to such persons profane & irreligious as the preface mentions." *Fulham Mss., Mass.*

[79]Perry, *Ch. Docs., Mass.*, 108.

[80]Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers*, B I, No. 127; Dudley to the Sec'y, 1 May, 1714, Perry, *Ch. Docs., Mass.*, 97; Pascoe, *Digest of the S. P. G.*, 43.

townsmen were no less determined upon success. Imprisonment followed, from which in the first instance Dudley issued a discharge.[81] A later suit resulted in an appeal to the Inferior Court of Common Pleas, which upon a technicality reversed the judgment previously submitted by the justices of Essex County.[82] This result was in large part due to Sir Francis Nicholson to whom the Newbury Churchmen had applied for aid, as the chief patron of the Church in the colonies.[83] Nicholson employed counsel from his own fortune and went to work with the double purpose of freeing the prisoners and discovering whether there was real authority for their imprisonment. He would doubtless have made a strong appeal to the home government had he found any illegality in the latter, but in this he was disappointed. He did, however, write to the Society[84] while Bridger applied to Dudley. Whatever the governor may have done at this time the west precinct of Newbury registered its understanding of the recent turn events had taken by voting, 2 April, 1714, "to free all those persons that are or shall be for the Episcopal way of worship in ye Precinct from paying any rates to the maintenance of ye Ministry amongst us."[85] Tho an attempt was later made to revive the tax, matters were for the time being quiet.

[81]Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers,* B I. No. 127.

[82]Perry, *Ch. Docs., Mass.,* 109.

[83]*Prot. Episc. Hist. Soc. Colls.,* I, xxiii, xxv, xxxiii; *S. P. G. Sermon and proceedings, 1712-1713,* 42; Lambton to Nicholson, 1 Jan., 1713/14, 27 Jan., 1713/14, 3 Feb., 1713/14, Perry, *Ch. Docs., Mass.,* 87, 88, 89. There is also a petition from Newbury to the Queen preserved in the Public Record Office, *C. O. 5, 751.* This petition was covered by Bridger with a letter to the secretary of the Board of Trade, dated 7 Dec., 1713.

[84]Nicholson to the Sec'y, 17 Feb., 1713/14, Perry, *Ch. Docs., Mass.,* 91.

[85]Quoted from the records of Newbury in Currier, *Ould Newbury,* 383. In this order Quakers were also included. The account of his travels in America submitted by James Dickenson to the London Yearly Meeting of 1715 records that "at Boston they had large meetings and Service. and also at Newberry where friends as well as the Church of England People (so called) are Exempted from paying to the National Presbyterian Priests there." *Lond. Yr. M.,* V, 134.

During the course of these proceedings in Newbury the Churchmen of Braintree began to take similar measures regarding their treatment at the hands of the standing order. Early in 1713, soon after the coming of Eager, a petition signed by William Vesey and others, and asking that they be freed from ecclesiastical charges, was presented to the Governor and Council.[86] It was considered on May 7 and then referred to the General Court on the ground that it lay within the authority of that body.[87] The petition was accordingly tendered to the General Court in June;[88] but the latter took advantage of a technicality and refused to consider it.[89] It was at this point that Eager sent an appeal to the Venerable Society. "We cannot find," said he "that any of our Communion upon this Northern part of this Continent are obliged to support the Dissenters, but this poor handful of this Town only."[90] Eager's letter produced a communication from the secretary to Governor Dudley.[91]

> The Society conceive this to be a very great hardship [ran the letter] and apprehend it is very much in your Excellency's power to do and procure to be done that which is just and equal to such who are so oppressed, and the rather because they observe in a Letter from your Excellency to the late Lord Bishop of London of the 19th December last, you are pleased to say, that as to such Inhabitants who had declared for the Church of England you had at their request exempted them from payment of taxes to any other Ministers but of the Church.[92]

Such a statement shows how Dudley had succeeded in giving the Bishop of London a different impression from what was actually the case. In his relation to the Episcopal churches of the province Dudley had not gone farther than to make recommendations to the justices of Essex County, and those only in regard to the single town of

[86]Isaac Addington to Wm. Vesey, 23 Apr., 1713, *Fulham, Mss., Mass.*

[87]*Council Minutes,* 7 May, 1713, *Fulham Mss. Mass.*

[88]"The Case of the Church of Brantry," 2 June, 1713, *ibid.; Sewall's Diary,* 2 June, 1713.

[89]Wm. Tailer to Wm. Vesey, 19 June, 1713, *Fulham Mss., Mass.*

[90]Eager to the Sec'y, 12 Aug., 1713, Perry, *Ch. Docs., Mass.,* 91-93

[91]Sec'y to Eager, 18 Dec., 1713, *S. P. G. Letters,* A VIII, 588.

[92]Perry, *Ch. Docs., Mass.,* 96.

Newbury.[93] The Society believed that he had issued general orders and upon this supposition based their appeal to him in the present case. Dudley must have felt some uneasiness at the misunderstanding for he hastened to write, 1 May, 1714, to explain to the secretary that what he had formerly said referred only to Newbury. He was, however, not obliged to confess that this had been nothing but a statement of opinion. Between his two letters affairs at Newbury had developed, and he was now able to record the vote of the west precinct which exempted Anglicans from ministerial charges.[94]

The matter of Braintree was dropped soon after this because of the departure of Eager and the decline of the church.

During the administration of Joseph Dudley the principal application made by the Massachusetts Churchmen for relief from ministerial taxes were to the governor. His effort to smooth matters over and give an appearance of authority prevented the Anglican element from carrying many urgent appeals to the Bishop of London or the Society for the Propagation of the Gospel. Had such appeals been made at this time and solicitations in England followed, it is possible that results for the provincial Churchmen might have been obtained which were long postponed by the death of the strenuous Henry Compton and of Queen Anne.

Lieutenant-governor William Tailer, who acted as chief executive for the year between Dudley's removal and the appointment of Shute, had the confidence of the Anglican ministers in the province as well as of the So-

[93]The secretary referred to the following statement.—"Those that brought me, that address, carry'd Home with them Immediately an order under my Hand Commanding that nothing upon any pretence whatsoever Should be taken from any of them that Declar'd for the Church of England, for the Maintenance of any other Minister." Dudley to the Bp. of London, 19 Dec., 1712, *S. P. G. Papers,* B I, No. 127.

[94]Perry, *Ch. Docs., Mass.,* 97.

ciety,[95] but was not called upon to settle any questions of church and state.

His successor Samuel Shute, altho belonging to an English nonconforming family,[96] became a member of the S. P. G.[97] and pledged himself to support its missionaries.[98] He had occasion to frame a very definite policy regarding the Episcopal churches of the province, and took matters into his own hands. With him a determination to enforce English law was unaccompanied, as in the case of Dudley, with political astuteness and an understanding of New England institutions, so that he was induced to stretch his prerogative in dealing with the Anglican churches.

Not long after Shute's arrival the wardens and vestry of the church at Marblehead presented him with the grievances which they felt in being forced to contribute to the support of dissenting ministers. The governor's response gave temporary satisfaction. He seems to have sent a communication to the selectmen of the town to the effect that the Churchmen ought not to be taxed.[99] The feeling of security which this support gave the church at Marblehead[100] was in reality unfounded, for the selectmen of the town defied Shute's recommendation. The assessors proceeded once more to rate the Churchmen for the support of the ministry and the constables to distrain their

[95]Ministers etc. of the Ch. of Eng. in Boston to the Bp. of London, 29 Sept., 1714, *Fulham Mss., Mass.;* Sec'y to Tailer, 17 Dec., 1716, *S. P. G. Letters,* A XI, 421.

[96]The appointment of Shute was a matter of satisfaction to New England Congregationalists until they discovered his policy. Cotton Mather to Lord Barrington, 4 Nov., 1718, *1 Mass. Hist. Colls.,* I, 105, 106; "Address to His Majesty from the Convention of the Ministers of Christ in New England, "30 May, 1717, *C. O. 5, 752.*

[97]*S. P. G. Journal,* IV, 49, 15 May, 1719.

[98]Shute to the Sec'y, 1 Jan., 1718/19, *S. P. G. Letters,* A XIII, 547.

[99]Marblehead to the Sec'y, 10 May, 1717, Perry, *Ch. Docs. Mass.,* 126-127; Shute to the Sec'y, 10 May, 1717, *S. P. G. Letters,* A XII, 442; Sec'y to Shute, 16 Dec., 1717, *ibid.,* A XII, 473; Marblehead to the Sec'y, Feb., 1717/18, *ibid.,* A XIII, 498.

[100]Shaw to the Sec'y, 31 Mar., 1718, Perry, *Ch. Docs., Mass.,* 130.

goods.[101] Mossom, who in the meantime had succeeded Shaw,[102] wrote to the secretary asking that the Society would communicate with Shute and secure his intercession for his parishioners.[103] Without waiting for this suggestion to take effect he applied to the governor himself in a petition dated June 27, 1722, with the request that His Excellency would be pleased "effectually to interpose" and require the Justices of the Peace and selectmen to exempt members of the church in Marblehead.[104] The result was highly satisfactory to the Anglicans as Shute assumed authority. He immediately addressed an order to the Justices of the Peace and the selectmen of the town of Marblehead requiring them to forbear laying any taxes upon people belonging to the English Church of the town toward the support of "any dissenting Minister."[105]

Altho this order had no effect upon the town or county officials, it inspired the Churchmen of Newbury to make a like appeal. Disregarding its vote of April 2, 1714, the town had recently renewed the taxation of Churchmen. Just one month after issuing the order in regard to Marblehead, Shute wrote a similar one upon Newbury to the Justices of the Peace.[106] It is probable that he repeated the same for Bristol at about this time.[107]

In no one of the towns which Shute favored was his order obeyed. At Marblehead the goods of two men were distrained and several others threatened, upon which Mossom in December, 1722, petitioned the justices at General Sessions, but succeeded only in getting them to write a

[101]Mossom to the Sec'y, 17 Apr., 1719, *S. P. G. Letters,* A XIII, 548; same to same, Perry, *Ch. Docs., Mass.,* 134-135.

[102]Sec'y to Shute, 27 Aug., 1718, *S. P. G. Letters,* A XIII, 544-545.

[103]Mossom to the Sec'y, 11 June, 1722, Perry, *Ch. Docs., Mass.,* 137.

[104]Petition printed in Perry, *Ch. Docs., Mass.,* 139.

[105]Perry, *Ch. Docs., Mass.,* 140; Mossom to the Bp. of London, 28 Apr., 1724, *Fulham Mss., Mass.;* Slafter, *Checkley,* I, 79, note.

[106]Order in full from *Records of Queen Anne's Chapel,* printed in Currier, *Ould Newbury,* 383.

[107]Plant to the Sec'y, 20 Dec., 1726, Perry, *Ch. Docs., Mass.,* 207; Slafter, *Checkley,* II, 33.

letter to the town urging the people to be at peace.[108] In Newbury the situation was similar,[109] and in Bristol a number of persons were imprisoned[110] for failure to pay to the support of the newly arrived Congregational minister, Nathaniel Cotton.[111]

At this point occurred the sudden departure for England of his Excellency Samuel Shute; and the Episcopal clergymen, in continuing their business with the provincial government, found themselves facing the lieutenant-governor Jeremiah Dummer. From the first Dummer announced a policy very different from his predecessor's. While willing to arrange the differences in the Episcopal towns of the province, he recognized far better than Shute what was his own relation to the law. As a native New Englander like Dudley, he was aware that, if concessions were to be made, they must come from the legislative and not the executive body. Orem and Mossom both addressed Dummer soon after Shute's departure and were pleasantly received with the promise from the governor that he would use his influence in their favor.[112] He explained, however, and reiterated many times in the following months, when approached on the same subject, that the laws of the province absolutely supported what the selectmen and constables were doing, so that relief must come in the way of legislation through the General Court.

While Dummer was announcing these facts to the New England clergymen, events were occurring in Eng-

[108]Mossom and Orem to the Bp. of London, *Fulham Mss., Mass.;* petition printed in Perry, *Ch. Docs., Mass.,* 140.

[109]Plant to the Sec'y, 7 Sept., 1726, Perry, *Ch. Docs., Mass.,* 203.

[110]Updike, *Narragansett Church,* II, 469, quoting *Records of St. Paul's Church, Narragansett;* Munro, *Hist. of Bristol,* 140.

[111]Bristol to the Bp. of London, 8 Jan., 1721/22, *S. P. G. Letters,* A XVI, 269-273; Bristol to the S. P. G., 29 Oct., 1722, *ibid.,* A XVI, 306-309.

[112]Mossom to the Bp. of London, 28 Apr., 1724, *Fulham Mss., Mass.* Orem brought to Dummer a petition from the imprisoned Churchmen of Bristol. Munro, *Hist. of Bristol,* 141, quoting *New England Courant,* 11 Feb., 1722/23; Updike, *Narragansett Church,* II, 469, quoting *Records of St. Paul's Church, Narraganett.*

land which soon exerted an important influence upon conditions in Massachusetts. In 1723 John Robinson, Bishop of London and diocesan of the colonies, was succeeded by Edmund Gibson whose ideas in regard to the supremacy of the English Church and the importance of ecclesiastical control in America resembled the theories of Henry Compton. In Compton's time the number of Anglicans in New England was so small, and Dudley had been so eager to keep the religious elements in some degree of quiet, that the complaints which had reached the Bishop and the Society had not created any great disturbance. Under Shute's government the dissatisfaction with conditions had become more expressive; but the Society, not prodded by an active bishop, turned the matter over to the governor; and Shute, by assuming an unconstitutional authority, relieved the Society of further responsibility in the matter. The legal status of the Massachusetts Churchman was not appreciated by the Venerable Society in these years.

The change came at about the time of Gibson's translation to the see of London. He could not have been long in his new position when he received an elaborate communication drawn up by Orem and Mossom soon after the imprisonments at Bristol, seconded by Samuel Myles and Henry Harris of Boston, and urging the presentation of a petition to the King asking for relief.[113] Gibson's immediate reply was a letter to the lieutenant-governor asking for his protection for the clergy of the province;[114] but with characteristic force he went farther. Wishing to understand better ecclesiastical conditions of the colonies, Edmund Gibson at once sent out a set of queries to the various commissaries of his predecessor. Among them was the question: "What public Acts of Assembly have been made & confirmed, relating to the Church or Clergy within that Govt?" The reply made by Samuel Myles, answering for Massachusetts, said:

[113] *Fulham Mss., Mass.*

[114] Cutler to Gov. and Council, 24 Apr., 1724, Perry, *Ch. Docs., Mass.*, 144.

There are Several laws for the Establishing of Independants, & Settling Orthodox Ministers chosen by the people. The Church of England only indulged, as the Anabaptists & Quakers for never in any of the Laws is the case supposed that the Clergy of the Chh of Engld, should be here Supported.

In reply to another question he stated his belief that

It would tend very much to the advantage of the Church, and comfort of the Clergy, if the members of the Chh were freed from any compulsion to pay to the independant ministers, as they are forced to do in many places Particularly in Bristol where the Church people have been imprisoned for not paying their rates towards the maintenance of Mr. Cotton a Dissenting Minister of that Town.[115]

Even before this information could have reached Gibson, the Society was giving serious attention to an account from Mossom of difficulties at Marblehead and of Shute's order. His letter was referred to a committee

to inspect the Laws of that Country, and to examine what has been the practice in other Church of England churches in New England, and also what has been the Usage and Practice in other Governments where the Church of England is the Established Church.[116]

The result of this committee's investigation showed that "every person is rateable by the Governmt there to pay to the Minister chose by the Majority of each Town."[117]

This information, with the facts which the Society was constantly receiving from the Massachusetts clergy and churches, resulted in a new line of action for which Gibson was probably responsible. Shute, who was present at a number of the Society's meetings and was now aware of the unconstitutional position which he had previously taken,[118] was instructed to write to the lieutenant-governor to use what influence he could. But it was agreed that if

[115]Myles to the Bp. of London, 1 June, 1724, Perry, *Ch. Docs., Mass.*, 153-154; Cross, *Ang. Episc.*, 65-66.

[116]*S. P. G. Journal*, IV, 310-311, 19 June, 1724.

[117]*Ibid.*, IV, 312-313, July, 1724. The authority used by the S. P. G. was a compilation made by Nicholas Trott of "Laws relating to the Church and Clergy in America," which had been submitted to the Society in 1720 and published upon its order. *Ibid.*, IV, 104, 105, 8 and 29 Apr., 1720.

[118]*S. P. G. Journal*, V, 70, 17 Dec., 1725; Sec'y to Mossom, 3 Jan., 1725/26, *S. P. G. Letters*, A XIX, 270-271.

Dummer's efforts with the General Court failed, the matter would be taken to the proper place,—the King in Council.[119]

The course of these events was interrupted by another ecclesiastical question in which the Bishop of London had been much concerned. In May 1725 the ministers of Massachusetts made their second attempt to secure governmental sanction for the holding of a synod.[120] A petition from the convention of ministers in Boston was presented to the General Court on May 27. Ten years earlier the New England Yearly Meeting had done its utmost to prevent the sanction of such a synod. Now it was the Boston clergymen who were on the alert before the Yearly Meeting had gathered. Their point of attack was similar to that which the Quakers had taken,—that approval in England of such an act would be the recognition of the Congregational church as the established church of Massachusetts.

The dismissal by the Representatives of a petition from Myles and Cutler against the ministers' memorial was the occasion of an appeal from Myles directly to the Bishop of London. Edmund Gibson in presenting the case to the Duke of Newcastle dwelt upon the constitutional phase of the question,—the legal status of the Church of England in the colonies.[121] Beyond that were the unfor-

[119]See the Mossom correspondence on Shute's Marblehead order, Sec'y to Mossom, 25 Aug., 1724, Perry, *Ch. Docs., Mass.*, 165; *S. P. G. Journal*, IV, 310-311, 312-313, 317, 19 June, 17 July, 21 Aug., 1724; *ibid.*, V, 61, 19 Nov., 1725, quoting a letter from Mossom to the Sec'y, 16 Dec., 1724; Mossom to the Bp. of London, 7 Jan., 1725/26, *Fulham Mss., Mass.*

[120]Cross, *Ang. Episc.*, 67-76; Perry, *Ch. Docs., Mass.*, 170-190.

[121]The two sides of the argument over what was in point of law the established church of Massachusetts appears in numerous writings from the time of the province charter. The clearest statements are by John Checkley and Benjamin Colman. The stand taken by the former is that the Church of England was extended as an established church to the colonies by the Act of Union. Colman's argument is that the King in Council by sanctioning Massachusetts ecclesiastical laws had recognized the Congregational as the established church of Massachusetts. Checkley to Z. Grey, 28 Jan., 1725/26, Slafter, *Checkley*, II, 221; Checkley to T. Bennett, 15 June, 1725, *ibid.*, II, 175; Colman to White Kennett, 17 Dec., 1725, Turell, *Colman*, 137.

tunate results which might occur in England should such a privilege be granted. An example must not be given either to the lower clergy or to the nonconformists. A Whig decision between nonconformists and Anglicans was likely to favor nonconformity rather than churchmanship; but the question was presented in such a way that other interests were at stake. The matter was hurried through the necessary bodies and a judgment rendered which satisfied the higher clergy. Dummer received from the Privy Council a rebuke for his failure to veto the bill,[122] and the matter never came up again in the General Court.

The year following Shute's letter to Dummer saw the arrival of fresh information from Massachusetts but no account of success in the legislature. Relying perhaps upon the outcome of the synod project, the Society in September, 1726, after rereading two special communications, one from the clergy of New England and the other from Mossom, decided that a committee should be appointed to draw up a representation to lay before His Majesty.[123] In the following month a petition framed by this committee was read before the Society "concerning the Members of the Church of England in Connecticut Colony and Massachusetts Bay in New England who are aggrieved in being forced to pay towards the Maintenance of Independent or Dissenting Teachers." William Sharpe was secured to act as counsel and the treasury of the Society was put at the disposal of the committee which was asked to present the Massachusetts and Connecticut laws to the Attorney and Solicitor General for their opinion whether the colonies by virtue of their Charters had power to make such laws "in prejudice of the Church of England."[124] In consequence of the opinion rendered Sharpe was ordered to draw up a representation "in the name of the private Persons who have sent over complaints of their Grievances,

[122]Chas. Delafaye to the Gov. of N. E. by order of the Lords Justices, 7 Oct., 1725, Perry, *Ch. Docs., Mass.*, 189.

[123]*S. P. G. Journal*, V, 99, 16 Sept., 1726.

[124]*Ibid.*, V, 101, 21 Oct., 1726.

to be laid before his Majesty."[125] This petition was lodged in the Council office March 20, on May 13 referred to committee, and on July 14 passed on to the Board of Trade,[126] which considered it on November 10.[127] The document in many respects resembled the Quaker appeal of 1723 but went farther. While the Quakers had been concerned with a disallowance of a particular law, the Anglicans asked for the "repeal" of the whole mass of Massachusetts ecclesiastical legislation under the province charter as inconsistent with the religious provisions of that document.[128] On November 14 the Board of Trade, with the Bishop of London present, gave directions for writing to the Attorney and Solicitor General for their opinion whether the said acts were repugnant to the charter, and if so whether it was in the King's power to repeal them.[129] The failure of the Board of Trade to secure any answer at this time must have been due in part to the political situation. The failure of the Bishop of London and the Society to push the matter farther was in a measure at least occasioned by the Massachusetts law of December 19, 1727.

The solicitation of Dummer by the Venerable Society, falling in as it did with his own policy, was not without effect, tho the progress of events was slow. One of the chief difficulties which had developed in Massachusetts was the imprisonment or distraint of Anglicans in outlying towns who attempted to attend the church service in Bristol, or in Newport, or Providence, outside of Massachusetts

[125] *S. P. G. Journal,* V, 109, 20 Jan., 1726/27.

[126] Perry, *Ch. Docs., Mass.,* 202; *Mass. Prov. Laws,* II, 477; *Acts of the Privy Council,* III, 156.

[127] *Mass. Prov. Laws,* II, 481. This petition is printed in full in *Mass. Prov. Laws,* II, 478-481.

[128] As English lawyers later observed there was at this point a confusion. If the laws were repugnant to the charter no repeal in the legislature was needed but a test case carried to England, resulting in annulment. If they were not repugnant to the charter they could not be repealed without the consent of the General Court as they had already received the royal approbation.

[129] *Mass Prov. Laws,* II, 481-482; Foote, *Annals of King's Chapel,* I, 453; Perry, *Ch. Docs., Mass.,* 202.

jurisdiction.[130] Among the northern towns which experienced the same trouble in less degree was Marblehead whose church had several members living in Salem. The case of Philip English was carried by petition before the lieutenant-governor in the winter of 1725 and he ordered a speedy compromise.[131] Altho Salem greatly resented this interference, a large part of the rate was remitted.[132] Dummer showed on all these occasions a steady support of the Anglican clergy and churches,[133] but disappointed the clergy in his continued policy of non-interference. In repeated complaints to Dummer Matthias Plant of Newbury attempted to gain redress for a number of his parishioners living north of the Merrimac River in the town of Amesbury, where they were rated to the minister of that town. The governor received Plant cordially and went so far as to write to the selectmen of Amesbury, urging them not to molest the Churchmen, until the pleasure of the General Court was known; but the measure was ineffective.[134]

The efforts made by Plant were contemporaneous with the second founding of the church in Braintree which was hardly on its feet before it attempted to gain the governor's order which the other churches in Shute's time had secured. Plant's final memorial and one from Braintree were before the Governor's Council on the same day, November 30, 1726. While Dummer recognized that action on this question, to be valid, must come from the General Court, he had in mind and did propose that a law should immediately be made "that the taxes of those belonging to the Church of England be paid by the collectors to the

[130]Updike, *Narragansett Church*, 477. quoting *Records of St. Paul's Church, Narragansett;* Providence to the Sec'y, 12 May, 1725, *S. P. G. Letters,* A XIX, 228-229.

[131]*N. E. Hist. and Gen. Reg.,* XXXV, 163.

[132]Mossom to the Bp. of London, 7 Jan., 1725/26, *Fulham Mss., Mass.*

[133]Dummer to the [Bp. of London], 15 Nov., 1725, *ibid.;* Harris and Mossom to the Bp. of London, 7 Dec. 1725, Perry, *Ch. Docs., Mass.*, 200; Mossom to the Bp. of London, 7 Jan., 1725/26, *Fulham Mss., Mass.*

[134]Plant to the Sec'y, 20 Dec., 1726, Perry, *Ch. Docs., Mass.*, 207.

Ministers of the Church of England to whom they severally do belong." A committee was appointed, Dummer intending that it might report some such measure to recommend to the lower house; but it dismissed the question, merely expressing its opinion that such applications should be made directly to the whole court.[135]

Braintree attempted such application, but its memorial was thrown out by the representatives so promptly that Newbury declined the suggestion. Plant, to whom Dummer explained the case, refused to approach anyone but the governor on the ground that the Bishop of London and the Honorable Society were expecting the Church people to be "protected from rates only by his Honor's orders." To this Dummer replied that "by this time he believed his Lordship, the Bishop of London, and the Society were better informed vizt, that he could not do it."[136] Not long afterwards Dummer carried out his policy in regard to Braintree by writing a letter to Col. Quincy, who was then a member of the Council, asking him to use his influence in adjusting the Anglican difficulties in the town.[137]

Discouraged by the events of November, 1726, both Newbury and Braintree gave up hope of obtaining anything from the local government and turned again to the Bishop of London and the Venerable Society. Plant's letter to the secretary was dated December 20, 1726,[138] and a memorial from Braintree to Nicholson eight days later. "We have done making Application to the Authority here," ran the Braintree statement, "and are quite tired, as you may see by the papers we have sent . . . to be laid before his Lordship & the Honble Society."[139]

In spite of his apparent failures it was the attitude of Dummer which forced upon the General Court some action regarding the exemption of Anglicans. Letters from

[135]Perry, *Ch. Docs., Mass.*, 206; Dummer to Plant, 12 Dec., 1726, *ibid.*, 205.

[136]Plant to the Sec'y, 20 Dec., 1726, *ibid.*, 207.

[137]Dummer to Quincy, 7 Apr., 1727, *Mass. Archives*, XI, 419.

[138]Plant to the Sec'y, 20 Dec., 1726, Perry, *Ch. Docs., Mass.*, 207.

[139]Braintree to Nicholson, 28 Dec., 1726, *Fulham Mss., Mass.*

the Bishop of London and from the secretary of the Society with the continuous stream of complaints from Bristol and Marblehead, Newbury and Braintree only strengthened his opinion of the general wisdom of such action. The General Court had repeatedly thrown out applications from members of dissenting sects, but by 1727 conditions had somewhat changed. On December 5, 1727, there was read in the Governor's Council a proposed act which was little more than a repetition of the scheme which Dummer had outlined in a letter to Plant just twelve months before. Its origin in substance then may be traced to the lieutenant-governor. Its passage in the lower house was due to the events which had occurred in England since the assembly, a year earlier, had thrown out the Braintree memorial. In the spring of the year (1727) news had reached Massachusetts of the progress of the petition which Gibson and the Society were following from Privy Council to Board of Trade.[140] The decision of the crown lawyers regarding the tax act of 1722, rendered three years before this, and of the letter sent to Dummer by the Privy Council in regard to sanctioning a synod, were fresh in the minds of the representatives. The assembly was inclined to believe that a partial exemption of Churchmen, scarcely more than many of them already had secured, was better than a disastrous decision. The Council, already inclined to favor Quakers, made no opposition.[141] On December 7 the act was passed in the upper house, was read in the assembly, and finally on the twelfth concurred in with certain amendments.[142]

This act of December 19, 1727, which was in reality an act for the settlement and support of ministers, contained a clause which gave a limited exemption to Angli-

[140]Cutler to the Sec'y, 24 May, 1727, Perry, *Ch. Docs., Mass., 222*; Dummer to the Bp. of London, 20 June, 1727, *Fulham Mss., Mass.*

[141]*Pubs. of the Col. Soc. of Mass.*, vol. I. *Transactions*, 142. Jonathan Belcher who was a member of the Council at this time later stated that he did all in his power to promote it. Belcher to the Bp. of London, 5 Oct., 1733, Perry, *Ch. Docs., Mass.*, 292-293.

[142]*Mass. Archives*, XI, 472.

cans. Ministerial rates were to be collected from them as usual; but the money of those who lived within five miles of an Anglican church where there was a "person in orders according to the rules of the Church of England" should be turned over by the collectors to the Episcopal minister. The Churchmen were also exempt from paying to the building of meeting houses. A proviso, however, limited the usefulness of the act. It was stated that if a deficiency occurred in the salary of the Congregational minister by reason of this arrangement, a second assessment could be made in which Churchmen were to be included.[143]

Very general dissatisfaction was felt at so slight a concession. The five mile radius was particularly trying in the parish of the Bristol church; the probability of a second assessment was a cause of complaint; the temporary character of the act was annoying.[144] The people of Barrington and Rehoboth who had joined with the new church at Providence were particularly stirred because no arrangement had been made to cover their position.[145]

Gibson soon learned of the passage of the act[146] and on June 21, 1728, laid it before the Society with criticism. The S. P. G. immediately instructed Sharpe to watch for the arrival of the act at the Board of Trade and inform the Society, that it might be followed to the Privy Council.[147] The bishop also wrote to William Burnet, the newly appointed governor of Massachusetts; but Burnet was too deeply concerned with the salary question between himself and the assembly to do anything more than send a friendly reply to Gibson.[148]

[143] *Mass. Prov. Laws,* II, 459, ch. 7.

[144] Cutler to Capt. John Delapp, 13 May, 1731, Perry, *Ch. Docs., Mass.,* 264-266.

[145] Providence to the Sec'y, 8 July, 1730, *S. P. G. Letters,* A XXIII, 118-119; a petition in behalf of these people was read by the Governor's Council, 5 Sept., 1728, *C. O. 5, 898.*

[146] Checkley to the Bp. of London, 31 Mar. 1728, Perry, *Ch. Docs., Mass.,* 250; Miller to the Bp. of London, 10 May, 1728, *ibid.,* 253.

[147] *S. P. G. Journal,* V, 164, 21 June, 1728.

[148] "As to the two acts about the Lords day, and exempting church men &c I think them both very wrong, and wish they were repealed by

Since November 14, 1727, the petition which the Venerable Society had drawn up in the name of the Massachusetts clergymen had lodged with the Attorney and Solicitor General, and was neglected for various reasons. The passage of the act of 1727 somewhat altered the situation but a new petition was not immediately framed. Sharpe on May 21, 1729, at last succeeded in securing an order from the Board that Popple should write again to the Attorney and Solicitor General to remind them that no answer had been made to the question submitted November 14, 1727, but nothing came of this.[149]

Two years more passed before the English Churchmen were able to secure the attention which they desired. By that time the Massachusetts act of 1727 had arrived officially, as well as the first Quaker and Baptist legislation which made better concessions than the earlier act had given to the Anglicans.[150] Dissatisfaction with the act of 1727 was expressed in a petition drawn up again in the name of Timothy Cutler to the King in Council which on October 28, 1731, was considered and referred to the Lords Committee.[151] On November 1 it was passed on to the Board of Trade[152] who gave it their consideration. This second petition reminded the Board that it had failed to return a report on the earlier memorial but stated that the situation now was somewhat changed by the legislation of 1727. The objections to the recent act were set forth. Finally His Majesty was besought once more to consider the various acts before mentioned as well as the present law, take action upon them and enjoin the governor not to pass any

His Majesty I beleive it would have a good effect if they were so, and the objections mentioned by your Lordship against ym seem to be all well founded. and I wish they could be taught to know that the Independents here are no Established church." Burnet to the Bp. of London, 27 Nov., 1728, *Fulham Mss., Mass.*

[149]*Mass. Prov. Laws,* II, 482.

[150]Cutler to Capt. John Delapp, 13 May, 1731, Perry, *Ch. Docs., Mass.,* 264-266.

[151]*Acts of the Privy Council,* III, 156.

[152]*Mass. Prov. Laws,* II, 482-483; *Acts of the Privy Council,* III, 156; Foote, *Annals of King's Chapel,* I, 455.

act for the future "whereby any Tax shall be laid on the Members of one perswasion for the support of the ministers of any other."[153] As in the former case the Board of Trade, receiving the petition on November 30, 1731, read it and referred it (5 January 1731/32) to the Attorney and Solicitor General with a second reminder of the letter of November 14, 1727.[154]

In the meantime the arrival of Governor Belcher with his friendly attitude toward the Quakers of Massachusetts Bay had caused among the Anglicans of New England a greater commotion than the feeble Quaker legislation of 1728 and 1729 had produced. While the Quaker bill of 1731 was being drafted by a committee of the lower house, Roger Price, in his new official capacity as commissary for New England, presented a memorial to the Governor, Council, and House of Representatives in behalf of the Churchmen.[155] Belcher in receiving his appointment had been given instructions which contained a new clause bearing on ecclesiastical matters. The recent legal recognition of the Bishop of London's jurisdiction in the colonies was now particularly drawn to the various governors' attention with the charge that they give special care to encouraging the bishop's commissaries in their duties.[156] In spite of Belcher's strong anti-Episcopal feeling he was prepared for political reasons to do what was necessary to satisfy Anglican interests in England, and now promised his support.[157]

The committee of the General Court in whose hands the affair was placed was not inclined to make immediate

[153]This petition is given in full in *Mass. Prov. Laws,* II, 483, and in Foote, *Annals of King's Chapel,* I, 454.

[154]*Mass. Prov. Laws,* II, 483-484.

[155]Perry, *Ch. Docs., Mass., 272-273*; Foote, *Annals of King's Chapel,* 455.

[156]*C. O. 5, 916,* 306-307, 20 Mar., 1729/30.

[157]Belcher's answer to Cutler's address to the Governor, *Boston Gazette,* 10-17 Aug., 1730; Belcher to the Duke of Grafton, 12 Dec., 1730, *Fulham Mss., Mass.;* Price to the Bp. of London, Perry, *Ch. Docs., Mass., 272*; Belcher to the Bp. of London, 4 Dec., 1731, 6 *Mass. Hist. Colls.,* VI, 72-73; Belcher to Richard Partridge, 27 Apr., 1732, *ibid.,* VI, 123.

concessions and asked for further proof of disabilities under existing legislation. In spite of immediate action by the joint vestries of King's Chapel and Christ Church, with financial support, nothing came of this petition. Upon receiving news of its failure they proceeded to draw up a further memorial to present to the King in Council,[158] and solicited contributions from the rural churches of New England.[159] On Feb. 7, 1731/32, the new petition was considered by the vestries of the two Boston churches and ordered sent to the Bishop of London; Thomas Sandford was chosen as agent to prosecute the petition to the King, and a local committee was appointed to correspond with him and forward money. John Checkley at this time went into the rural towns to get the memorial signed and to obtain further evidence of distraint.[160]

This petition had no immediate result as the Bishop of London was still busy with the Massachusetts memorial of 1731 for which the Board of Trade's attention had been recently secured. Certain difficulties which made it impossible to gain the attention of authority in 1727 had now been overcome and an opinion from the Attorney and Solicitor General was at last secured, August 16, 1732. Taking up the first petition, drawn before the act of 1727 and complaining of Massachusetts ecclesiastical law, the lawyers pointed out that of the acts therein mentioned the first three had been duly confirmed by the crown, and the subsequent ones had become law when not within the allotted time disallowed in England. In either case such laws could not be repealed by His Majesty without the concurrence of the Massachusetts General Court. The lawyers next proceeded to consider whether the acts were repugnant to the charter and hence void from the beginning.

[158]Foote, *Annals of King's Chapel,* I, 456-457, quoting the *Records of Christ Church.*

[159]Updike, *Narragansett Church,* II, 504-505, quoting *Records of the Narragansett Church.* The Narragansett Church pledged 28 pounds 15 shillings.

[160]Foote, *Annals of King's Chapel,* I, 457-459, quoting the *Records of King's Chapel* and *of Christ Church.*

They pointed out that, while the charter granted liberty of conscience, it did neither institute nor expressly prohibit a provincial church to be established in the colony. To provide for the celebration of the public worship of God and for the maintenance of ministers did not seem to them inconsistent with liberty of conscience. Even if the acts were illegal no extrajudicial declaration could pronounce them so; a judicial proceeding on a test case was necessary. The act of 1727, discussed in the second petition, Yorke and Talbot were asked to pass upon in point of law. But, as they said, it was not a legal objection which was entered against it but prudential, the act not going far enough to please the people whom it was framed to pacify.[161]

Edmund Gibson, when informing Price of this action by the law officers of the crown, expressed the regret that the Church had not taken steps earlier and before the power which the Massachusetts dissenters exercised had become so well established.[162] It is possible that an application in Queen Anne's reign might have proved effective, but for political reasons in England rather than because of developments in Massachusetts Bay. The Hanoverian succession with its substantial Whig support had altered conditions among English Churchmen, and these conditions were reflected in America. There was little chance of obtaining from law officers of the crown any legal opinion at the expense of dissenters during the Walpole regime. Other decisions resembled this one. Gibson was forced to confess that his influence at court was too weak to oppose the party strength of the dissenting interests.[163]

In spite of this condition and the unwillingness of the Honorable Society to push matters under such circumstances, the united vestries of King's Chapel and Christ Church were determined to go farther. Meeting June 26

[161]Perry, *Ch. Docs., Mass.*, 274-288.

[162]Bp. of London to Price, 6 Feb., 1732/33, Foote, *Annals of King's Chapel*, I, 461.

[163]Petition of the Massachusetts Churchmen to the Archbp. of Canterbury, Foote, *Annals of King's Chapel*, I, 464.

and October 19, 1733, they voted to try the one remaining mode of procedure,—a test case. A committee was accordingly appointed to seek the prosecution of such officers as distrained or imprisoned members of the Church of England in the province, to defend Churchmen in traveling to church on Sunday, and Church of England ministers for marrying in the manner of the Church.[164] This measure was followed by a vigorous prosecution of the case of Matthew Ellis of Medford who, upon imprisonment for failure to pay a ministerial tax, sued Richard Sprague the constable. The case went through the Inferior Court of Common Pleas, the Superior Court and the Court of Review. An appeal was denied by the judges of the Superior Court, but was granted by the King in Council, and Sprague was summoned to appear before a committee of the Privy Council to answer for the imprisonment of Ellis.[165]

Meanwhile the Bishop of London, who had met best success when dealing with the Massachusetts governor, applied once more to the same authority; and Belcher now, as Dummer formerly, assumed certain responsibility. The General Court was once more led to consider the disabilities of Churchmen and, probably influenced by the recent action of the Boston Episcopal churches, took up the question of exemption. On July 4, 1734, the Baptists were given the same privileges which the Quakers had obtained two years and a half before; and on December 27, 1735, the Anglicans received a similar recognition.

The law, tho not proving entirely satisfactory to the Church of England in the province, did away with the two chief objections to the act of 1727. While it provided merely for a return of taxes rather than a clear exemption, as in the case of the Baptists and Quakers, and still included Churchmen in a possible second assessment, it took a step forward in its abolition of the five mile clause. A

[164]Foote, *Annals of King's Chapel,* I, 464, quoting *Records of King's Chapel* and *of Christ Church.*

[165]*Ibid.,* 464, 465, 467; Perry, *Ch. Docs., Mass.,* 311-312.

system of identification, similar to the Baptist and Quaker method, was instituted, the minister and church wardens to indicate to the town treasurer who were members of or gave attendance at the Anglican church. The act was in force for five years.[166]

The passage of these two acts, the Baptist and the Anglican laws of 1734 and 1735, rendered practically unimportant the action taken by the Board of Trade and the Privy Council at just this time. At the failure of the petitions in the name of Timothy Cutler which had absorbed the attention of the Bishop of London and the S. P. G.—a failure caused by the unsympathetic decision of Yorke and Talbot,—there still lay before the bishop the Quaker legislation which King's Chapel and Christ Church were denouncing. At the beginning of the year 1736 Gibson and William Sharpe were on the alert regarding it,[167] as a decision was imminent; but the result was not all that might have been desired. The real problem was avoided. In accordance with a report submitted by the Board of Trade the Lords Committee (2 Feb., 1735/36) stated that as the charter granted liberty of conscience to all Christians except Roman Catholics, such exemption ought not to be limited to any one sect of Protestants but extended to all. The act was therefore considered not proper for His Majesty's approbation and was only saved from an unfavorable recommendation by its temporary character, as it was about to expire. The Board of Trade was ordered to draft an additional instruction to Belcher to restrain him from giving his assent in the future to any law of this kind unless the exemption be made general. The order was read at the Board on March 18, 1736.[168]

Belcher was not given an opportunity to show his recognition of this order as there was no attempt to pass further exemption laws during his term of office. Each of the three important dissenting sects had secured a tolerable

[166] *Mass. Prov. Laws,* II, 782, ch. 15, 27 Dec., 1735.

[167] Sharpe to the Bp. of London, 10 Jan., 1735/36, *Fulham Mss., Mass.*

[168] *Acts of the Privy Council,* III, 491-492; *Mass. Prov. Laws,* II, 635.

arrangement which tho irritating was not impracticable. The Anglican law of 1735 was made perpetual in 1742.[169]

The Anglicans of Massachusetts were behind the Quakers in beginning their struggle to resist maintaining the state church, as there were very few of them in the country towns of the province until after the founding of the S. P. G. When once started the struggle resembled the Quaker conflict in the support which it received from the parent body at home, when it met failure in Boston, as well as in its dependence for success upon political conditions in England. The Massachusetts provincial governors understood that their function in ecclesiastical matters was to use their influence in suppressing warring religious factions and in maintaining "liberty of conscience," as their instructions commanded, in accordance with the wording of the province charter. In the instructions of the early provincial governors of Massachusetts there were no special charges in regard to support of the Church of England, but the natural sympathy of men who were stanch Anglicans or who supported the state church of England for political reasons offset this omission, and the governors were generally looked upon as the protectors of Anglican interests. Dudley, who had the clearest vision of his mission as the exponent of British colonial policy, was especially anxious to curb warring ecclesiastical interests and showed a friendly consideration for Quaker as well as Anglican when they came armed with petitions to governor and council, while he readily discharged ecclesiastical prisoners of either body. In spite of his adopted Anglican sympathies he recognized his limitations when faced by any Massachusetts law which had been allowed in England; and in spite of repeated proddings by the Churchmen, he went only so far as to make urgent recommendations to stubborn towns where the Anglicans were in an uncomfortable position. Shute, less well versed in the rights of the Massachusetts legislature, carried the policy of protecting the Church to the point of overstepping his pre-

[169] *Mass. Prov. Laws*, III, 25, ch. 8, 1 July, 1742.

rogative when he made definite orders in regard to the treatment of Anglicans. Dummer, who like Dudley recognized that relief for "dissenting sects" must come from action by the General Court, nevertheless supported the cause of the Church when he used his influence to secure a law in favor of Anglican interests. His work was so effectual that the Massachusetts act of 1727, relating to the maintenance of the ministry, contained a clause for the partial exemption of Anglicans.

Back of the royal governors during this whole period the English Church was itself working busily, through the S. P. G. and the Bishop of London. The scattered Churchmen of Massachusetts very early began to make application to the Society and to the Bishop, seeking relief from ecclesiastical charges, and some earnest recommendations came to Dudley, Tailer, and Shute from across the water. If the number of Churchmen in the country towns of Massachusetts had been larger, their appeals might have had more effect, but they were not pushed consistently, and the opportunity to accomplish something before the death of Queen Anne was lost. A little later the belief that Shute had authority and was exercising it for the benefit of the local Churchmen relieved the Society of responsibility. A changed conception of the power of the governor and a better appreciation of the legal status of Episcopacy in Massachusetts came to the Society at about the time that Gibson succeeded Robinson in the see of London; and under his influence the organization took up seriously the problem of gaining exemption for New England Churchmen. After a study of the Massachusetts ecclesiastical law and an appeal to Dummer to use what influence he could, the Society agreed to carry the affair before His Majesty and address the King in Council. Politics delayed immediate action but the agitation was not without its effect on the Massachusetts General Court. This body was conscious of its unpopularity with the Board of Trade; it feared an unfriendly decision and anticipated it by following Dummer's suggestions and passing the law of 1727. The activity of

the Church party was therefore reflected in Massachusetts legislation but not so far as to satisfy the Anglicans. Finding that the law had gained practically nothing for the local Churchmen, the Society agreed to revive its previous attempt with the crown,—a decision soon strengthened by the passage of the Massachusetts Quaker laws of 1728, 1729 and 1731. The influence of the Bishop of London was not sufficient to gain results satisfactory to ecclesiastical interests, but again the General Court was guided by fear of the possible course which events in England might follow. Governor Belcher's recommendation in favor of a satisfactory law was accepted; the act of 1735 was passed and in 1742 it became perpetual.

CONCLUSION.

This study of church and state in Massachusetts of the early eighteenth century may properly be closed with a summary of the main conclusions which have been reached. While some of these are of local interest merely, others have a much broader significance. The object of the study has been to reconstruct the ecclesiastical system of provincial Massachusetts and to show the steps by which it was broken down through the efforts of hostile forces.

In the year 1691 Massachusetts faced the problem of an ecclesiastical adjustment when she found herself reconstituted as a royal province with an enlarged boundary and a broadened franchise. Her first step was to pass a series of legislative acts and resolves which renewed as far as possible the ecclesiastical law of the seventeenth century, while technically granting liberty of conscience, as decreed by the province charter. When these laws failed to be effective by reason of the pressure of elements opposed to their execution, subsequent laws made an attempt to carry through by pressure what the earlier legislation had been unable to accomplish. Fines, distraint, and imprisonment became more and more common as the laws hardened in a firm endeavor on the part of the law makers to maintain the old standards in the face of changed conditions.

The opposing forces which gave the leaders most uneasiness were two,—the Episcopal element which appeared in the country towns of the province soon after the organization of the Society for the Propagation of the Gospel, and the growing communities of Baptists, Quakers, and "other irreligious persons" who were to be found mainly in the region which had formerly belonged to Plymouth Colony. This second group was made up chiefly of de-

scendants, in the second and third generations, of the Puritan founders of the commonwealth or of Plymouth Colony, who were inclined to carry to its logical conclusion the spirit of independent thinking which had been their heritage. Moving on from the older towns where extreme orthodoxy was the order and social prestige depended on it, they settled in the newer plantations of the northern and southern counties where their variations made less stir with the government at Boston or Plymouth. In due time many of them accepted Baptist or Quaker doctrines, either finding the theology of these sects more satisfying than the extreme Calvinism of Massachusetts orthodoxy, or attracted by a freer political doctrine than that on which they had been reared. There were many who still sympathized with much of the old Puritan teaching and yet stood for a complete separation of church and state such as Rhode Island maintained. Others—and these doubtless made up the greater part of the inhabitants of the villages least under the control of the government—were frankly uninterested in church platforms and creeds, tho not violently opposed to religious teaching. Among such men the leaders of the hierarchy met little opposition so long as they were willing to finance the churches which they were trying to establish and did not endeavor to enforce the law for the maintenance of the ministry.

Such was the condition in Massachusetts in the last decade of the seventeenth century. The old ecclesiastical system was failing to maintain itself in its earlier vigor, and as the laws were made increasingly elaborate, with a view to strengthening the position of the state church, the opposition grew more determined to defy them. The opening of the eighteenth century saw this opposition in two organized camps, that of the Anglican Church, working principally through the Society for the Propagation of the Gospel, and that of the Quakers, supported by the Society of Friends in England. In tracing the steps by which these bodies secured the exemption legislation of the eighteenth century, we observe that the Anglicans

were for a long time less successful than the Society of Friends, and that this difference was caused in very great measure by political conditions in England.

The Society for the Propagation of the Gospel, beginning its work at the opening of the eighteenth century and given an added impulse by the Queen's favor in the years immediately following, failed to realize the opportunity which her support offered, and met reverses after her death. During the early years of the eighteenth century the Society, when receiving appeals from Massachusetts Churchmen, turned to the royal governors with the expectation that they would use their authority to relieve the situation. The governors were distinctly favorable to the Church; and one at least went so far as to issue orders to town officials in a way that went quite beyond his authority. Most of the governors, however, were conscious of their limitations and recognized that a change, if made, must come from the General Court or through disallowance of Massachusetts legislation by the King in Council. When the Venerable Society was at last persuaded of the truth of these statements, it assumed responsibility and carried the matter before the proper body in England. In doing so it met new difficulties, as it was almost impossible to obtain favorable decisions or any real support from the government during the Walpole regime, for the nonconformists constituted too strong a wing of the Whig party to be offended. As a Church society the S. P. G. was finding itself less well supported under the House of Hanover than by the high-church sympathies of Queen Anne. Thus, in spite of the support of the royal governors, the Bishop of London and the Venerable Society, the attempts made by the provincial Churchmen upon Massachusetts ecclesiastical law, were for a time sidetracked, and final success was reached only after the other dissenters had gained recognition and exemption.

Meanwhile the same conditions of English politics which hindered the Venerable Society distinctly favored the English Quakers when they came to make appeals for

their people in Massachusetts. Between 1700 and 1718 innumerable complaints were sent to the London Yearly Meeting by the Quakers of New England and in the latter year, finding earlier methods unavailing, the English Friends decided to address the government and follow up their plea with vigor. The Board of Trade, which was the principal body handling colonial affairs, was dominated by Newcastle during the following critical years of ecclesiastical controversy concerning Massachusetts. The Board was therefore ready to favor Whig interests and was responsible, as we have seen, for a number of decisions in favor of nonconformists as opposed to Churchmen. The situation was altered when the question was one involving Quaker against Puritan—for two of the dissenting sects were here opposing each other. The strong organization of the Society of Friends in England, with its wealth and its political influence, worked in favor of the Quakers in the colonies. The Massachusetts Puritans, on the other hand, were not consistently backed by an influential and wealthy body in England and were therefore left almost alone to resist the attacks of the Quakers on their system. They were, moreover, closely associated in the minds of the British government officials with resistance to law; by its ignoring of the Navigation Acts the General Court of Massachusetts had opposed the British commercial system; it was likewise playing at this time a very independent role in its treatment of the royal governors. The English government took the part of the Quaker in his opposition to the New England Puritan and in doing so struck a blow at the unpopular assembly of Massachusetts.

It was in this way that a small matter of local significance, the application of seventeenth century ecclesiastical law in provincial Massachusetts, was influenced by English party politics and the enforcement of the British colonial system. Throughout the eighteenth century the crown failed to maintain a consistent policy of favoring the English Church in the colonies. The Churchmen of Massachusetts were therefore handicapped in their efforts to

resist the authorities at Boston in spite of the support of the royal governors, the Bishop of London, and the Venerable Society. The Quakers on the other hand, because of their political influence in England, were better able to make headway against the unpopular General Court of Massachusetts.

Altho the exemption legislation gained in this period was not the real religious liberty which was desired, it marked the first retreating step on the part of the aggressive state church of Massachusetts. Since a full disestablishment was not gained until 1833, laws of this sort marked the legal position of the dissenters for almost a hundred years. In the second half of the eighteenth century the Baptists were the great opponents of the Congregational system, and the Church of England was at work during both Quaker and Baptist periods; but the Society of Friends was the agent most responsible for the success gained over Massachusetts ecclesiasticism in the first half of the eighteenth century.

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